United States (H. Doc. No. 24), was taken from the Speaker's table and referred to the Committee on Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SNELL: Committee on Rules. H. Res. 49. A resolution providing for the consideration of S. 312, census and apportionment; without amendment (Rept. No. 15). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CRAIL: A bill (H. R. 3567) to amend section 209 of the World War veterans' act of 1924, as amended; to the Committee on World War Veterans' Legislation.

By Mr. CRAMTON: A bill (H. R. 3568) to amend section 1 of an act entitled "An act to revise the north, northeast, and east boundaries of the Yellowstone National Park, in the States of Montana and Wyoming, and for other purposes," approved March 1, 1929, being Public Act No. 888, of the Seventieth Congress; to the Committee on the Public Lands.

By Mr. FULMER: A bill (H. R. 3569) to divert lands unsuited for profitable agriculture to productive forestry uses; to the Committee on Agriculture.

By Mr. HILL of Washington: A bill (H. R. 3570) authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington, to present their claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. SLOAN: A bill (H. R. 3571) appropriating $5,000,000 for the stay of ravages of the corn borer and effecting its ultimate eradication; to the Committee on Appropriations.

Also, a bill (H. R. 3572) to establish a national park on the Daniel Freeman homestead in Gage County, Nebr.; to the Committee on Appropriations.

By Mr. WALKER: A bill (H. R. 3573) to amend subdivision (a) of section 400 and subdivision (a) of section 401 of the revenue act of 1926 reducing the amount of taxes on certain tobacco; to the Committee on Ways and Means.

By Mr. HUDSPETH: A bill (H. R. 3574) to amend an act for the retirement under certain conditions of officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War; to the Committee on World War Veterans' Legislation.

By Mr. CRAMTON: Joint resolution (H. J. Res. 93) amending the provision in the second deficiency act, approved March 4, 1929 (Public, No. 1035), making an appropriation for a consolidated day school at Belcourt within the Turtle Mountain Indian Reservation, N. Dak.; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CRAIL: A bill (H. R. 3575) for the payment of damages to certain citizens of California caused by reason of artificial obstruction to the natural flow of water being placed in the Picacho and No-name Washes by an agency of the United States; to the Committee on Claims.

By Mr. LOZIER: A bill (H. R. 3576) granting a pension to Martha E. Dennison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3577) granting an increase of pension to Rachel Fleming; to the Committee on Invalid Pensions.

By Mr. LUDLOW: A bill (H. R. 3578) granting an increase of pension to Martha E. Wilson; to the Committee on Pensions.

By Mr. PALMER: A bill (H. R. 3579) granting an increase of pension to Alice Osborn; to the Committee on Invalid Pensions.

By Mr. PITTENGER: A bill (H. R. 3580) granting a pension to Robert Kelly; to the Committee on Pensions.

By Mr. SLOAN: A bill (H. R. 3581) granting an increase of pension to Marie M. Colby; to the Committee on Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 3582) granting an increase of pension to Thirza C. Spencer; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 3583) granting a pension to Leon R. Wilson; to the Committee on Pensions.

Also, a bill (H. R. 3584) granting a pension to Isabella S. Robinson; to the Committee on Pensions.

Also, a bill (H. R. 3585) granting a pension to Elbina L. Poole; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3586) granting a pension to Esther McC. Chapman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3587) granting a pension to Josephine E. Lang; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

598. Petition of the American Institute of Refrigeration, of New York City, N. Y., memorializing Congress of the United States that the Interstate Commerce Commission be permitted to administer the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

599. Petition of Policemen's Association of the District of Columbia, expressing its deep regret at the loss of the late Hon. John Joseph Casey, and extending its sympathy to his friends and family; to the Committee on the Library.

600. Petition of Printers' Board of Trade of San Francisco, memorializing Congress for a reduction of 50 per cent in the Federal tax on earned incomes; to the Committee on Ways and Means.

601. By Mr. CHALMERS: Petition from the members of the Van Wormer Relief Corps, No. 342, Toledo, Ohio, requesting that the House Committee on Invalid Pensions be organized in order to permit action on the Robinson bill providing for a pension of $50 per month for the widows of the Union veterans of the Civil War at the present session of Congress; to the Committee on Invalid Pensions.

602. By Mr. HOPKINS: Petition of the Missouri River Apple Growers Association, of Troy, Kans., favoring tariff on bananas; to the Committee on Ways and Means.

603. By Mr. LUCE: Petition of Boston business men, urging early and favorable consideration of House bill 11; to the Committee on Interstate and Foreign Commerce.

SENATE

MONDAY, *June 3, 1929*

(Legislative day of Thursday, May 16, 1929)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed the following joint resolutions, in which it requested the concurrence of the Senate:

H. J. Res. 82. Joint resolution making appropriations for additional compensation for transportation of the mail by railroad routes in accordance with the increased rates fixed by the Interstate Commerce Commission;

H. J. Res. 83. Joint resolution to make available funds for carrying into effect the public resolution of February 20, 1929, as amended, concerning the cessions of certain islands of the Samoan group to the United States; and

H. J. Res. 84. Joint resolution extending until June 30, 1930, the availability of the appropriation for enlarging and relocating the Botanic Garden.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (S. J. Res. 34) authorizing the Smithsonian Institution to convey suitable acknowledgment to John Gellatly for his offer to the Nation of his art collection, and to include in its estimates of appropriations such sums as may be needful for the preservation and maintenance of the collection, and it was signed by the Vice President.

THE JOURNAL

Mr. JONES. Mr. President, I ask unanimous consent that the Journal for the calendar days of Monday, May 27, to Friday, May 31, inclusive, may be approved.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

OPEN EXECUTIVE SESSIONS—ADDRESS BY SENATOR ROBERT M. LA FOLLETTE

Mr. NORRIS. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered by Senator

ROBERT M. LA FOLLETTE, of Wisconsin, over the radio, on the evening of the 1st day of June relative to the proposed amendment to the Senate rules relating to executive sessions.

The VICE PRESIDENT. Without objection, it is so ordered.

Senator LA FOLLETTE spoke as follows:

One hundred and forty years since the Constitution went into effect, the Senate of the United States is face to face with this issue:

Shall the Senate transact the public business, while debating and confirming nominees of the President to Federal office, in open or in secret session?

Stripped of its technicalities, that is the naked question involved in the discussions on the Senate floor within the past 10 days. This is no academic question, no mere matter of procedure which concerns the Senate alone. It is of profound importance to all the people of this country. Upon its settlement depends the right of the press to publish information concerning the public business, free from censorship. It involves the right of the people to have that information and to hold their representatives in the Senate to strict accountability for votes cast upon all questions involving the public interest.

I have taken the position that the present rule of secrecy which requires nominations of public officials to be debated and voted upon behind closed doors is a violation of the spirit of the Constitution. It paralyzes any effective opposition to the appointment of unfit men for Federal office. It attempts to destroy the primary responsibility of a Senator to his constituents. It sets up a censorship over the press which never has been and never can be enforced; and it impairs the dignity and the power of a self-respecting legislative body.

In my judgment, this question can only be settled rightly by an amendment to the Senate rules to provide for the fullest publicity for all the proceedings of the Senate and to abolish, root and branch, the system of secrecy. If such an amendment is adopted, we shall witness a change of momentous historic importance in the conduct of the public business at Washington.

ADVANTAGE OF RADIO

I regret that one of the advocates of secrecy is not here to-night to debate this question. It is an admirable feature of this radio forum that it brings into the homes of the people a free discussion of important issues, upon which they have a right to be informed and which they must ultimately decide. I believe in the presentation of both sides of all public questions, in the clash of convictions honestly held, in the "fearless winnowing and sifting of truth" as the surest safeguard of representative democracy.

It is by no means a new question which now confronts the Senate. It is older, indeed, than the American Government itself, for the policy of invoking secrecy in the conduct of the affairs of men is deep-rooted in the past. For centuries it has been defended by some of the boldest and most acute minds among the rulers of earth, and from the time it fastened itself upon the Senate of the United States it has been challenged again and again down to the present hour.

We can not understand the recent case which has come to the attention of the public or the amendment now pending to the rules of the Senate unless we examine the origin of the secrecy system. It did not originate in the Constitution. On the contrary, that document provides that "each House of Congress shall keep a journal of its proceedings, and, from time to time, publish the same." It was only after a close division in the constitutional convention that the House and Senate were given the option, in publishing their proceedings, to omit such parts of the public record as "required secrecy." Within eight days after it first met, the House of Representatives opened its doors to the press and to the people. Since that time the doors of the House have been closed only on rare occasions, and then only during actual war.

FIRST SESSION SECRET

For four years after it first met the Senate transacted all business of every kind and character behind closed doors. The Senate abandoned this practice in 1793 and it was not until 1820 that a rule was adopted providing that all information and debate on nominations submitted by the President should be kept secret. In 1844 the rule providing for expulsion of any Senator disclosing such information was adopted. In 1868, in the period of party passion and strife that followed the Civil War, the secrecy rules were amended and adopted in substantially their present form. They provide that "all information communicated or remarks made by a Senator when acting upon nominations concerning the character or qualifications of the person nominated, also all votes upon any nomination, shall be kept secret."

It was under these rules that the Senate met on May 17, 1929, to consider the qualifications of Irvine L. Lenroot, of Wisconsin, nominated by the President to serve on the Federal bench for life as judge of the United States Court of Customs Appeals.

The doors were closed, the galleries were cleared, newspaper men and all persons except Senators and half a dozen employees were excluded from the floor. Not one word of the debate on May 17, lasting for more than six hours, was taken down. Every argument made against Mr. Lenroot's confirmation was based upon the public record which he had made while in the Senate and since his retirement. Not one word was spoken which could not and should not have been said in open session.

RECORD UNDER FIRE

Here was a nominee for a high judicial position, a former Senator, whose record was properly subject to scrutiny and debate. His record had repeatedly been attacked and defended before the people of his own State, who had rejected him for reelection to the Senate in 1926. Yet the United States Senate on May 17 refused to debate the qualifications of this nominee in the open and confirmed Mr. Lenroot behind closed doors in an office which he will hold for life.

On the following day correspondents sent out broadcast to the newspapers of the country detailed reports of the debate that had taken place in the Senate.

For thus defying the attempted censorship the press is entitled to and should receive the appreciation of the American people.

On May 21 a dispatch distributed by the United Press Association, signed by Mr. Paul R. Mallon, was published in hundreds of newspapers throughout the country purporting to give the roll-call vote taken in the Senate on the confirmation of Mr. Lenroot. An identical roll call was published on the same date in a dispatch of the Universal Service, signed by Mr. Fraser Edwards.

The Rules Committee of the Senate thereupon met in secret session to consider what it deemed a violation of the Senate rules. This committee had not challenged the publication of reports of the debates during secret sessions on this or any previous occasion. By a unanimous vote it brought in a resolution solemnly declaring that a violation of the rules of the Senate had been committed by some Senator or officer of the Senate, and further declaring that such person, unnamed in the resolution, "deserves and should receive severe censure and punishment."

PRESS ASSOCIATION EXCLUDED

At this same session the Committee on Rules unanimously adopted a resolution excluding the United Press Association from the privilege of the floor of the Senate and voted to summon Mr. Mallon, under a subpœna, to compel him to reveal to the committee the sources from which he had obtained the secret roll call of the Senate.

I objected to this proceeding in the Senate on the ground that no newspaper man is bound to respect the rules of the Senate; that in singling out the United Press for punishment by excluding its representative from the floor during public sessions the committee was discriminating against a single correspondent who had performed his duty in the public interest; and that this procedure constituted an attempt by the committee to establish a censorship over the press. The Rules Committee had no authority to curtail or extend the privileges of the floor. In order to prevent this attempted discipline of the United Press I insisted upon the enforcement of the existing rule regarding the privilege of the floor which barred all representatives of the press from the Senate floor. I have offered an amendment to the rules which will accord representatives of the press associations the privilege of the floor without discrimination.

Mr. Mallon appeared before the Rules Committee at an open session held on Monday, May 27. He declined to reveal the sources of his information. He asserted the right of every newspaper man to obtain and every newspaper to print any information pertaining to the proceedings of the Senate, whether conducted in secret or in open sessions.

Following this hearing the Rules Committee voted to amend the secrecy rules of the Senate, and a resolution reported by the committee is now pending on the calendar. It provides in substance that sessions of the Senate for the consideration of nominations may be debated and voted for in open session and that the roll call by which a nomination is confirmed or rejected shall be made public.

CONFLICT AGES OLD

Thus, after 140 years of secrecy in the consideration of an important part of the public business by the Senate, we are making progress in the direction of an enlightened and democratic procedure. Secret or star-chamber sessions of the Senate are relics of the discarded practices of the British Parliament, abandoned more than two centuries ago when the Anglo-Saxon race was struggling to achieve self-government.

The conflict between secrecy and publicity has gone forward through the ages, with men in power asserting their privilege to conceal their acts from the people, and a free press, wherever it has existed in any country in the civilized world, challenging that right and newspaper men often suffering imprisonment to give the people the facts concerning their own representatives and their own government.

On 14 different occasions the effort has been made in the Senate to abolish secrecy, but up until the present time the arguments for public consideration of the public business have not prevailed.

The defense has always been made that by closing the doors on consideration of executive nominations Senators are permitted to discuss freely their objections to a nominee, which could not properly be raised in open session. The argument has been made that such free discussion insures a closer scrutiny of nominees for such offices without subjecting them to charges in public which can not be clearly established by adequate proof.

The complete answer to the argument that secret sessions promote a careful scrutiny of the qualifications of nominees will be found in the

records of recent years. The nominations of Albert B. Fall, Secretary of the Interior; Harry M. Dougherty, Attorney General; Charles R. Forbes, Director of the Veterans' Bureau; and Thomas F. Miller, Alien Property Custodian, were all considered and confirmed in secret sessions of the Senate. Each of these high officials was subsequently indicted, and two of them were convicted and sent to prison after open consideration of their criminal acts in the Federal courts.

DEBATE IN OPEN SESSION

Had these nominations been considered in open session of the Senate, some of them at least would have been fully debated and confirmation strongly opposed. But in these cases the Senate practically abdicated its constitutional duty to advise and consent to nominations submitted by the President, and out of courtesy to the Executive confirmed them without serious consideration.

If the doors of the Senate are opened, I contend that any President will hesitate to submit the nominations of persons whose fitness for office is subject to attack. The consideration of nominations in open session will make Senators strictly accountable to their constituents for their actions upon this important phase of the Senate's constitutional duty.

I do not believe it can be successfully maintained that any man or woman should be placed in public office whose qualifications and character can not stand public scrutiny.

A candidate for President, the office of the greatest dignity and power in our Government, is not spared the scrutiny of his public record and private character. The last campaign certainly demonstrated the truth of that statement. Can it be soberly contended that an appointive official, often a candidate foisted upon the Executive by a powerful political machine in one of the States, shall be permitted to take office without meeting this test?

In my opinion, the Senate has performed a great public service in recent years by fearlessly exposing the secret acts of executive officers of the Government, which no man in or out of the Senate will now defend. The Senate suspected that a Secretary of the Interior, then in office, was bartering the naval oil reserves of the Nation by an illegal system of secret leases. It exposed this crime at public sessions of a Senate committee and freely debated it on the Senate floor. It suspected that an Attorney General, then in office, was guilty of wrongdoing in the conduct of the Department of Justice. The Senate conducted an open investigation of charges against this chief law officer of the Government, and, after long debate in public and after a public roll call, drove him into private life.

The Senate has the power to judge of the acts of the highest officers of the Government, to inquire into those acts in public, and to expose them to the fullest publicity. Why, then, should it not consider the qualifications of men nominated for office, without drawing the veil of secrecy about such proceedings?

UNJUST ATTACKS FEWER

Let us examine more closely this argument that a secret session permits the disclosure of charges against a nominee that can not properly be considered in open session. I can not conceive of any Senator arising in his place to level an unsupported charge impeaching the good name of a nominee, in either open or in secret session. But certainly the temptation to indulge in such attacks would be less if Senators knew that every word uttered would be taken down and become a part of their individual public records.

It has been my experience that the ablest and most carefully prepared debates of the Senate have been conducted in the full light of publicity. That was the case when the Senate in March, 1925, considered in open session the nomination of Charles B. Warren, of Michigan, nominated by President Coolidge for Attorney General. The qualifications of Mr. Warren were carefully sifted, in speeches of signal ability which dealt exclusively with the facts of the public record, not with rumor and hearsay. The nomination was rejected by the margin of a single vote. Had it been considered in secret session, it can scarcely be questioned that the nomination would have been confirmed. In this connection, I venture the assertion that had the nominations of Roy O. West, of Illinois, for Secretary of the Interior, and Irvine L. Lenroot, of Wisconsin, for Federal judge been considered in open session, the majorities for confirmation would have been greatly reduced if not entirely overturned.

This leads to what I regard as the real reason, and a very practical one, for the attempt which has been made since the Warren case to enforce the secrecy rule in all its rigors. It is nothing more or less than an effort to defeat opposition in the Senate against the appointment to high office of men whose connections with special interests render them unfit to serve or whose public records can not be defended in the open. It is an effort to suppress the public expression of objections to such appointments and to conceal the votes cast by Senators on such nominations from their constituents.

RIGHT TO REVEAL VOTE

I have at all times maintained the right to reveal my votes to the people of Wisconsin who elected me, because in my judgment, they have a right to that information. In that regard, I have taken the position of my father, Robert M. La Follette, who was the first in contemporary times to assert the right of an American Senator to reveal his votes upon any nomination and upon all business of the Senate. I can recall the time when he defied the power of the Senate to expel him from that body, under rules which he believed were adopted in violation of the plain terms of the Constitution. He attacked the system of secrecy in all phases of legislation, when he said:

"Evil and corruption thrive best in the dark. Many, if not most, of the acts of legislative dishonesty which have made scandalous the proceedings of Congress and State legislatures could never have reached the first stage had they not been conceived and practically consummated in secret conferences, secret caucuses, secret sessions of committees and then carried through the legislative body with little or no discussion."

The Senate Finance Committee still clings to secret procedure. It now proposes to hold its hearings on the pending tariff bill in secret session. To force public consideration of this most important measure involving billions of dollars and affecting the pocketbook of every American family, I have introduced a resolution directing the committee to open its doors so that people may see what is going on and judge for themselves whether those who are seeking tariff favors are justified in their demands.

I have not undertaken to-night to deal with the Senate rules of secrecy which still exist to control the discussion of treaties with foreign nations behind closed doors. It is unnecessary to do so, because by a majority vote the Senate may decide to consider treaties in open session and the practice of debating treaties in secret has already been abandoned by the Senate on every important treaty submitted to the Senate during the last 10 years. The treaty of Versailles that ended the World War, the World Court protocol, and the Kellogg anti-war pact have all been considered in open sessions.

The last vestige of secrecy in the legislative proceedings of the Federal Government is thus to be found in the rules of the United States Senate. This is no longer a struggling Republic, setting out on a painful and uncertain experiment in the capacity of men to govern themselves. The excuse can no longer be offered by cautious and timid men that we do not have at hand the means of disseminating among the people prompt, reliable, and complete reports of both sides of all public questions that are debated and determined at Washington. These rules can never be enforced. They are in conflict with the whole trend of our times. They are a relic of kingly power that is discredited and abandoned in every country that claims the character of a representative democracy.

The public interest will be served, the true dignity of the Senate will be upheld, the struggle during 140 years by men who believed in democracy and have been ready to fight for it will be vindicated when we have the courage to open the doors of the Senate.

MUSCLE SHOALS

Mr. NORRIS. Mr. President, in accordance with the permission which the Senate gave me last week, I file the report of the Committee on Agriculture and Forestry on Senate Joint Resolution 49, to provide for the national defense by the creation of a corporation for the operation of the Government properties at and near Muscle Shoals, in the State of Alabama, and for other purposes.

The VICE PRESIDENT. The report (No. 19) will be received and printed.

IMPROVEMENT OF INDIAN CONDITIONS IN ARIZONA

Mr. HAYDEN presented letters, etc., submitted by various committees of citizens in favor of the improvement of conditions on Indian reservations and at Indian schools in the State of Arizona, which were referred to the Committee on Printing, with a view to their being printed as a Senate document.

REPORTS OF COMMITTEES

Mr. HALE, from the Committee on Naval Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 549) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes (Rept. No. 20);

A bill (S. 550) to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes (Rept. No. 21); and

A bill (S. 551) to regulate the distribution and promotion of commissioned officers of the Marine Corps, and for other purposes (Rept. No. 22).

Mr. BROOKHART, from the Committee on Civil Service, to which was referred the bill (S. 215) to amend section 13 of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," as amended by the act of May 28, 1928, reported it without amendment and submitted a report (No. 24) thereon.

PLANNED SETTLEMENT AND SUPERVISED RURAL DEVELOPMENT

Mr. SIMMONS. Mr. President, from the Committee on Irrigation and Reclamation I report back favorably without amendment the bill (S. 412) to authorize the creation of organized rural communities to demonstrate the benefits of planned settlement and supervised rural development, and I submit a report (No. 23) thereon. I ask that the report may be printed in the RECORD.

The VICE PRESIDENT. Without objection, the bill will be placed on the calendar and the report will be printed in the RECORD.

The report is as follows:

[S. Rept. No. 23, 71st Cong., 1st sess.]

CREATION OF ORGANIZED RURAL COMMUNITIES TO DEMONSTRATE THE BENEFITS OF PLANNED SETTLEMENT AND SUPERVISED RURAL DEVELOPMENT

Mr. SIMMONS, from the Committee on Irrigation and Reclamation, submitted the following report (to accompany S. 412):

The Committee on Irrigation and Reclamation, to whom was referred the bill (S. 412) for the creation of organized rural communities to demonstrate the benefits of planned settlement and supervised rural development, having considered the same, report favorably thereon, with the recommendation that the bill do pass.

The main purpose of Senate bill 412, as will be seen from the concluding part of the first section, is to authorize the creation of one organized rural community in each of the following Southern States: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas, in order to demonstrate the benefits of planned settlement and supervised rural development.

In certain sections of the States mentioned there has been a marked decadence in agriculture since the Civil War, largely the result of the 1-crop, tenancy system, which has long obtained there and which is apparently on the increase. The evils of this system are apparent and can not be escaped except by a reconstruction of the methods of farming in those sections.

The plan provided by this bill is not a reclamation proposition such as has been applied, in many instances, in the arid regions of the West, where the Government has, by irrigation, reclaimed vast areas of sterile land purchased in the early days of the Republic, and made it productive and sold it to actual settlers upon the plan provided in this bill, greatly to the benefit, not only of the area reclaimed, but, by example, of agriculture in those sections generally.

It is not proposed that the Government shall engage in the business of buying and selling lands, except such as may be needed for purposes of demonstration, such as the Government, through the Agricultural Department, has, by various methods, inaugurated in many sections of the country, with its resultant benefits; and to make this purpose clear the bill provides specifically for only one demonstration scheme in each of the 10 States mentioned in the bill where there is demonstrated necessity of Government intervention in order to correct an evil which has resulted in disaster to agriculture in the sections where these community demonstrations are to be established.

In a good part of the South, especially the Piedmont and industrial sections, where prior to the Civil War the lands were owned in small acreage by those who lived upon them and cultivated them, and are still so owned, there may be no necessity for this demonstration; but in the coastal sections that are still largely agricultural, and where the large plantations, which were cultivated by slave labor prior to the Civil War, are still largely held in single ownership and cultivated chiefly by tenants upon the 1-crop system, it is believed that a demonstration of this sort by the Government would be of very great benefit. It may be that a few farmers would get the main benefit, in the first instance, of long-time payments and cheap money, just as has been the case in the irrigated areas of the West, where the Government irrigated large areas and sold the land on the plan proposed in this demonstration scheme; but in the end the results of this demonstration would inure to the benefit of agriculture throughout the section in which it is applied and lead to the introduction of new and more effective methods for increasing not only productiveness but the value of land, bringing about community concert in matters pertaining to the social, educational, and economic conditions, and adding to the attractiveness of rural life. As stated before, in the coastal sections of the South there has been a decadence in agriculture, while in the industrial sections, where the lands are subdivided in small areas, there has been substantial progress in agricultural methods, followed by diversification, a result not attainable under the present system of 1-crop, tenant farming which obtains in the coastal sections. It is therefore felt that without a reconstruction of the methods which obtain in these rich alluvial regions there can be no escape from present conditions, where there is no market for lands, because, cultivated as they are, they are nonproductive and unsalable. In other words, the hope is that this demonstration may help in substituting for the 1-crop plan diversification and for tenancy ownership by the man who actually occupies the land, together with the bane of absentee ownership measurably reduced, if not entirely eliminated. Not only this, but it is believed that this demonstration of the plan of group settlement and actual ownership will not only correct the structural evils indicated but will bring about a community concert and cooperation which will remove the present condition of farm isolation and make country life in these sections attractive now, as it formerly was.

A brief analysis of the agricultural conditions which now obtain it is confidently believed will be helpful in demonstrating the wisdom and policy of the scheme for promoting a reconstruction of the basis of agriculture provided in the bill.

The nation-wide demand for farm relief shows there is a definite and imperative need of adjusting the balance between city and country life and bringing back to the farm some of the attractions and advantages it once enjoyed. The measure for creating planned farm communities in the South will go far toward accomplishing that result in the section where it is to operate. Its purpose is to help intelligent, industrious people to buy and own the farms they cultivate. These are the people for whom the farm problem must be solved. If better opportunities are not afforded, the attempt to buy and own homes on the land will cease and rural life and agriculture in the South will continue to decay.

In the past we have had great pride in our record as a country where farms were owned by their cultivators. Cheap and free land was a door of opportunity which has contributed to our independence, to our political and social structure. The farmer who owns his home has a sense of permanence and security that can be gained in no other way. He has more interest in things which help build up his community. He takes more interest in roads, churches, and schools, as well as in keeping his farm buildings in repair and maintaining the fertility of his soil.

On the other hand, the high percentage of tenancy makes people migratory and discontented. It leads to neglect and to the adoption of exhaustive methods of tillage. The South has suffered from this and is suffering from it in an unusual measure. To change it this bill proposes to select suitable localities and use some of their surplus capital and expert intelligence to prepare in advance for organized communities based on ownership of the soil and on cooperation in agriculture and business life. Instead of leaving each isolated individual to struggle alone and unaided it is proposed to create associated groups or neighborhoods and to give them the help of our accumulated experience and the greater brain power of superior men.

There is nothing new or untried or unduly paternalistic about this proposal. We will only be doing what Europe has been doing with great success and national advantage for half a century. Under the plan of buying great estates, subdividing and selling them to their farmer tenants or to other experienced cultivators on long-time payments, with low rates of interest, the agriculture and rural life of many countries has been transformed. It is one of the greatest agrarian advances of the last century. When Denmark began to buy land to provide homes for farm laborers and small farmers it was a bankrupt country. The people on the land were discouraged and were leaving for the cities or for other communities. Ninety per cent of its farmers were tenants. To-day 92 per cent of the farms of Denmark are owned by their cultivators. It has become a solvent nation and a teacher of agriculture and business practices to the rest of the world.

What this plan and policy have done for Denmark has been duplicated in other Scandinavian countries, in Germany, and in Italy, and the work started half a century ago has never been abandoned. The policy has succeeded and is still being carried on. The prosperity and peace which Ireland now enjoys had its beginning in the purchase of the estates of nonresident owners and subdividing and selling them to embittered and discouraged tenants. Men without capital could meet their payments because they were given 68 years in which to do this, with a very low rate of interest. Germany, Holland, France, and Italy are all providing land for those who wish to become farm owners, and not only give long-time payments with low rates of interest but provide a credit from which necessary improvements can be made and necessary equipment purchased.

In all those countries favorable terms on the purchase of land have been coupled with the idea of neighborhood association and cooperation. Under it 100 men, each owning 40 acres of land, are enabled to buy and sell on equal terms with 1 man owning 4,000 acres, and this is the surest if not the only way of placing the business of the farm on a sound and efficient basis. It has been proven that tenants are not good cooperators. They have neither the credit nor the sense of permanence which is essential.

This measure has been studied and has the approval of many of the ablest agricultural experts and business leaders of the South. It has been indorsed by broad visioned and experienced men from other sections of the country, like the late Howard Elliott and Daniel C. Roper. The experts of the Reclamation Bureau of the Department of the Interior have made extensive studies of localities submitted to them by the authorities of the Southern States and they have found that the land, the markets, and the climate are all satisfactory for the making of this experiment or demonstration. All that is needed are plans adjusted to the conditions of modern life, credit necessary to enable a man of small means to have a fair chance to succeed, and a definite understanding in advance of the kind of agriculture that is to be followed

and the standards of cultivation and rural life that will prevail to attract the right kind of people and build up a sound, prosperous, and patriotic life on the land.

This measure will accomplish all these things. It needs capital to make a start, just as the Federal land bank needed capital, and all that the bill provides is the loan of this money, to be repaid to the Government with a reasonable rate of interest. It is one of the cheapest, safest, and surest methods of creating examples of the kind of communities we need that can be afforded.

PROVISIONS OF THE BILL

"1. Authority for the preliminary work is lodged in the Interior Department because that is the home-making department of the Government.

"2. The Secretary of the Interior will be authorized to create one organized rural community in each of several Southern States in order to demonstrate planned settlement and rural development.

"3. These communities are to get the benefit of advice and instruction from experts of the Department of Agriculture.

"4. The Secretary of the Interior is authorized to acquire through donation, purchase, or eminent domain an area of land in each State suitable for the purpose and sufficient to create thereon at least 200 farms of such size as will permit of successful farming.

"5. The bill provides that land purchased shall not exceed in price an amount arrived at by a board of three independent appraisers, one appointed by the Secretary of the Interior, one by the Secretary of Agriculture, and one by the head of the agricultural college of the State in which the project is located.

"6. The Department of the Interior shall provide plans for carrying out the development and settlement and the supervision of the work.

"7. Lands shall be sold only to actual settlers of approved qualifications permitting of success as farmers.

"8. Terms of payment shall be no longer than 40 years with interest on deferred payments at the rate of 4 per cent per annum.

"9. For permanent improvements for each farm a sum not to exceed 60 per cent of the value of said improvements may be made available, the maximum on any one farm to be $3,000. Such advances are to be repaid in 56 semiannual installments of 3 per cent of the sum advanced.

"10. All collections are to be returned to the United States Treasury as a credit.

"11. The bill authorizes an appropriation of $12,000,000, of which not exceeding $2,000,000 can be expended in any one State.

SUPPORTING CONSIDERATIONS

"1. The agriculture of the South is a distinct national problem. Ordinary farm relief legislation can not remedy certain factors that menace the very existence of southern rural life.

"2. This bill does not contemplate the reclamation of any waste lands, the drainage of swamps, or the use of land involving expensive preparation.

"3. Neither will it permit the use of unproductive land. Only the better types of soil will be selected.

"4. It introduces no problem of increasing the existing surplus of farm crops. The set-up for each State will be distinct from the others, being governed by the crops and purposes to which the soils and location of each tract is best adapted.

"5. The lands will be acquired at low prices and can be sold to settlers at a mere fraction of what it costs to reclaim land under many western irrigation projects.

"6. The value of the plan has been proven in foreign countries and also in our own country.

"7. It is an effort to create a rural life in the South that will endure and transform a section in which agriculture is sadly decadent into one capable of sustaining a prosperous and happy rural life.

"8. The Federal Government has spent millions of dollars on special agricultural problems of the West. The South has never before asked for Federal aid in its peculiar agricultural problems.

"9. The experience gained in the proposed settlements will demonstrate the way to maintain a satisfying rural life, and will be needed in other sections of the country as time passes.

"The Federal Government has always been generous in its support of agriculture. At the moment its major program is to provide some adequate relief for depressed agriculture.

"But the disposition of surplus production and tariff adjustments of injustices to agriculture are only a part of the problem.

"The millions of dollars spent in reclaiming arid lands of the West attests the interest of the Government in agriculture. All sections of the country have gladly supported these expenditures.

"While western agriculture has been so nursed and fostered by spcial legislation and vast expenditures, the agriculture of the South has been drifting and decaying. We have had the benefit of the general support of agriculture by the Federal Government through the Department of Agriculture, and have shared equally with other sections in all general benefits for agriculture.

"But the South has had little special help to meet her peculiar agricultural problems. We have no arid lands to reclaim, but we have a decaying rural life. We do not want to bring new lands into production.

"What is asked by the proponents of this bill is that the Federal Government provide the financial aid and the services of the Interior Department experts in farm settlement and the Agriculture Department experts in farm methods in an effort to build up a rural life that will save the agriculture of the South."

"The proposed settlements will serve as a laboratory test that will rebound to the benefit of all other sections of the country and to the ultimate and inestimable social and economic advantage of our entire country.

"David Grayson, in his book Adventures in Understanding, says that 'It is not enough to produce steel in a mill. Let's us produce men, because without men we can produce no steel in any mill.' What is true in industry is true in agriculture. It is not enough to produce crops on our farms. We must also produce a satisfying rural life, or eventually we will not have farmers to produce crops."

The quotations above are from a statement prepared by the Associated Committees on Southern Rural Development, entitled "Opening the Way for Men to Become Farm Owners."

This bill is the result of an organized movement in the several States referred to in the bill in the hope of starting a movement that will result in a reconstruction of methods in the sections of these several States where conditions demand a radical change.

In the hearings before the committee on this bill the committee was favored with statements by quite a number of gentlemen from the different States mentioned in the bill, as members of the Associated Committees on Southern Rural Development. Most of these gentlemen are officially connected with agricultural interests of the States they represent. Their testimony will be found in the printed hearings before the committee. Among these gentlemen was Dr. E. C. Branson, Kenan professor of rural social economics, University of North Carolina. Among other things, Doctor Branson said:

"The farmers of North Carolina, the farmers of the South, the farmers of the western world, are settled in solitary farmsteads, just a few to the square mile, scattered in the vast open spaces of the South and the Nation. They live as no other farmers in the world live. All the rest of the farm world live in groups. Because of these wide spaces in between and because they have not only no chance to come together in group actions but even lack the will to do it, except for occasional economic or political purposes, the farmers of the South and of other sections that might be mentioned live as no other farmers in the world live."

On another occasion Doctor Branson is quoted as saying:

"More than half the farmers of the South, black and white, cultivate somebody else's land. The economic and social significance of such a condition is plain as print to any man capable of social visioning. We can not build a safe civilization on the homeless estate of men."

Another gentleman who appeared before the committee was Dr. W. W. Long, director of agricultural extension of the Agricultural College of South Carolina, who in the course of his statement said:

"It is the organized community—I repeat it is the organized community—that is the crux of this proposed legislation. Would it be too much to expect that ultimately the community organization would federate into the county organization, and likewise into a State organization, and then on into a national organization, where every phase of country life could be considered? There is no such organization existent to-day.

"It may be thought that this is the work of the individual and not of the legislator, and that is the natural inference. But I answer that by admitting after 35 years of close association and observation the rural leadership has greatly deteriorated. It is my firm belief that in a movement of this character it can only succeed by the Federal Government cooperating with the States in developing this proposed community demonstration, with the idea and hope that other communities will be organized by the people in their respective sections."

There also appeared before the committee Mr. Burdette Lewis, of Florida, executive vice president of the J. C. Penney-Gwinn Corporation, who said:

"Mr. J. C. Penney has acquired a large tract of land in Florida, which has been in operation along the lines outlined in this bill for four years. We have expended in that time several millions of dollars to try to bring about a condition such as is outlined in this project that you have before you, and we expect to spend several millions more.

"I want to confirm the statement that has been made here to you gentlemen that the problem is beyond private capital, because the term of years required to bring about the change in agricultural conditions is not one that is remunerative for private capital, not sufficiently remunerative within any devices that private capital has to-day.

"We feel that after our years of experience in trying to interest capital in this work that it takes a too far-sighted man to be willing to sink his capital in it and that we must depend upon others.

"Senator WALSH. Where do you get the most of your colonists from?

"Mr. LEWIS. Nineteen different States.

"Senator WALSH. How do you select them?

"Mr. LEWIS. They make application, usually after having read something about it, or getting in touch with some of the J. C. Penney stores, and we send something to them to give us data about themselves, and that is sent to us, so that our farm management can look into it, and they visit these people in their home States and see whether or not they are qualified."

There also appeared Mr. J. F. Jackson, general agricultural agent for the Central of Georgia Railway, Savannah, Ga., who said:

"We have talked with the tenants, but we can not do the work with the tenants; we must have the farm owners in order to do successful work along that line. And I would add that the attainment of farm ownership in this country is no longer a matter of courage and willingness to work hard and an ability to endure the hardships of pioneering. There are no longer any free lands in this country, and the values of lands are going higher steadily, and the capital necessary for farm ownership has vastly increased.

"I am positive that this country must take an interest in methods which will encourage and increase farm ownership, and that it must be done in these settlements or groups where farmers all have the same aspirations to attain to land ownership, and with an opportunity for direction in efforts for cooperation of all sorts, under conditions of vastly more favorable terms of purchase price than is now available."

Dr. Elwood Mead, Commissioner of Reclamation, Department of the Interior, whose office will be in immediate charge of the administration of the bill, also appeared and, among other things, said:

"If this bill becomes a law, it will give better opportunities for creating family farms owned by their cultivators. It has back of it the same conception as the homestead law when it was enacted, only it is adjusted to the conditions which now confront us. Instead of giving a farm out of the public domain this bill provides for expert planning of communities, practical advice, loans of money to supplement the settlers' capital at a low rate of interest and with enough time to repay the advances to enable the money to be earned out of the soil.

"The plan adopted is not an experiment. It is in operation in all the leading countries of Europe, in Australia, and South America. They have had to adopt it to hold people on the land. Not a country that has made it a national policy has given it up. On the contrary, it is proving the economic and social salvation of Denmark, Germany, and Italy. Without it Australia would still be a grazing country with nine-tenths of its population in seacoast cities.

"The Fairway Farms in Montana are an illustration of what is proposed in this measure. Good farms were bought. Good men were put on them and financed. They were encouraged by having farm ownership as their goal. They were good farmers, but now they were properly financed and enabled to carry out a definite scheme of action that had been thought out by the best economic brains of the country. They knew what they wanted to do. What they had to find out was how large their farms should be, what rotation they should follow, how many head of livestock they should carry, what machinery to buy and how to handle it. Now, the result is that these men who had failed before are succeeding.

"Income and profits must come from growing more and better crops and combining with his neighbors to create markets and ship in car lots.

"The negro, the mule, and the single-crop farm must give way to mixed farming, to the introduction of improved breeds of livestock, to the use of costlier and more complicated farm implements. It is impossible to bring about these changes through any existing agency. We can talk to the farmer until we are black in the face and he will go on as he has in the past. The credit and the financial strength needed in better farming are lacking. What we have is now largely based on cotton and tobacco. It must be entirely changed. To do this needs the encouragement and strengthening of purpose which comes from a group of people, acting together, from the opportunities which this gives them to employ expert advice and direction and thus have the benefit of superior training and intelligence, without too great expense. Rural reconstruction is a problem which transcends the power of the individual farm family.

"The value of these farms as demonstrations or object lessons of better planning, better practices, better business, and as the home of better schools and a more attractive social life can not be fixed now or in money at any time. Such a community will be a teacher which the farmer will respect because it will teach by results.

"These communities will give larger returns, both in money and products, than can be hoped for where each individual works for himself. This is not a matter of theory. It has been demonstrated conclusively over and over again in widely separated countries."

There also appeared Mr. Hugh MacRae, of Wilmington, N. C., chairman of the Associated Committees on Southern Rural Development, who read from a statement by Mr. D. R. Coker, of South Carolina, one of the leading agriculturists of the South, as follows:

"A steady decline in agriculture and rural civilization in large sections of the South is positively indicated by statistics of increasing tenancy, declining rural population, declining land values, sales of land for taxes, the rapid increase of lawlessness, especially distilling and liquor selling in rural sections, and the failure of hundreds of country banks during the past few years. (Sixteen banks failed in three eastern Carolina counties within five weeks last fall.) There are many other manifestations of declining rural civilization in the South and there is no indication that the trend has stopped or is even slowing up.

"The Department of Agriculture and the agricultural forces of the States, while they have undoubtedly done much good work, have only been able on the average to slow up the trend toward worse conditions, although there are notable examples in isolated localities of improved conditions.

"It is manifest, therefore, that the agencies now operating are not meeting the exigencies of the situation. Already many coastal plains counties have lost the bulk of their intelligent and thrifty population, leaving practically no human basis upon which to rebuild.

"Southern agriculture in large part must be revitalized, and a new remedy must be devised to accomplish this. I know of no method which holds out any promise of rehabilitation of rural life except the establishment of demonstration farm colonies of selected, industrious people who will be placed upon the land in groups of 100 or more families. There is no agency at present which can or will do this work except the National Government. The establishment of such demonstrations will involve the purchase of large tracts of cheap but suitable land, partial preparation of each individual tract for the settler and sale to him at approximate cost, plus an amount for overhead and contingencies, the maintenance of an organization to supply information, leadership, and financial management during the initial stages, and the cooperation of governmental and State agencies to lay out and supervise the agricultural programs for each group.

"Each group should become independent of the Government in 5 to 10 years if reasonably successful and should have within that length of time been able to work out an agricultural program of their own, as well as established cooperative machinery to handle their major problems of buying and selling. Such settlements might well act as demonstrations of poultry farming, dairying, truck growing, the growing of flowers, fruits, and other forms of horticulture and of better and more intensive methods of producing our standard major crops, such as the grains, forages, cotton, and tobacco. They would supply units for the successful development of canning factories and, in some instances, creameries.

"The chief value of such settlements will be in demonstrating that agriculture can be made profitable under conditions which make for happiness and contentment. They will act as large-scale demonstrations of methods of production of a variety of crops and products, thus leading the surrounding regions back to a better agriculture. Time after time it has been proven that a single isolated success with a particular crop or method does not revolutionize the practice of a community. It is only when the same method is duplicated time after time in a small area that farmers generally gain confidence and adopt it. Wholesale demonstration of an agricultural method or crop is the only way to quickly get it into production in a given area.

"I hope we can secure the cooperation of all intelligent citizens in an attempt to establish such demonstrations."

In addition to his presentation of Mr. Coker's statement, Mr. MacRae, who for many years has been one of the outstanding public leaders of North Carolina and the South, testified for himself, in part as follows:

"For 25 years I have been actively interested in the problem of rural communities building. I like to think of that particular line of work as human engineering. Twenty-five years ago there was no chart to follow. It was just a matter of trying different methods and proving them out, and I believe I made almost every mistake that one could make. I am an advocate of the methods indicated in the bill before the committee, and believe that what is unhappily designated as the farm problem is a multitude of problems. As a result of the work in which I have been engaged we have four rural communities. One of them is known as Castle Haynes, and is recognized as an outstanding success. I want to briefly refer to that.

"Senator SHORTRIDGE. That is a phase of the development of rural communities that is indicated in the bill?

"Senator SIMMONS. Yes.

"Mr. MACRAE. The planning and supervision of rural communities. I will refer to Castle Haynes and then I will be glad to answer such questions as you may think will bring the desired information.

"Senator SHORTRIDGE. Where is that place?

"Mr. MACRAE. It is 9 miles north of Wilmington, in North Carolina, near the coast.

"Senator SIMMONS. In the old slave-holding section of the State.

"Mr. MACRAE. I believe in the Constitution the pursuit of happiness is said to be one thing that is reserved to citizens of America. Am I right in that?

"Senator SHORTRIDGE. That is in the Declaration of Independence.

"Senator ASHURST. In the Declaration of Independence, written by Thomas Jefferson. It is in the spirit of the Constitution, all right.

"Senator SHORTRIDGE. We are entitled to life and liberty and not to happiness, but to the pursuit of happiness.

"Mr. MACRAE. It is the pursuit of happiness in some measure, I find, that is causing the drift from the farm to the city. Until happiness can be found on the farm and the rural dweller becomes prosperous and contented, this drift will continue from bad to worse. The manufacturers will soon be as much interested in this subject as the farmers. The proper development of rural communities is the agricultural equivalent of small factories, and will have to be worked out in somewhat the same manner. Castle Haynes has produced successful, prosperous, happy families, and that I say, is the objective. It was not an accident, but the result of following definite principles.

"Senator SIMMONS. You are the owner of the property that has been developed?

"Mr. MACRAE. The people of Castle Haynes are very prosperous. Every family has paid for their farm; they own high-powered trucks; they own cattle, mules, cows; they have money in bank; many of them have invested in railroad securities."

* * * * * * *

"I feel that anything that can be done on a large scale along this line will be a great success. After going all over this country studying this matter—in Utah, California, Wisconsin, and other States—I went to Holland and Denmark and studied their systems, and I reached the conclusion on the way back that the agriculture of the South could be revolutionized by getting behind it the right forces, and in those forces I included the Government of the United States; and that is the only way in which it can be done. The Government can wait for its return on any sound proposition for 20 or 30 years, while a private individual can not do so. I felt that one demonstration in each of these immediate States by the Government, and two or three by each State following the Government demonstration, and some others by private individuals later, we could revolutionize the agriculture of the South at the minimum expense and in the shortest possible time and produce a farming system that will make a satisfactory rural life. When one State succeeds all the others will have to follow suit. It is just like the good-roads proposition. North Carolina has a good-roads system, and every other Southern State will be forced to follow suit."

There also appeared Mr. J. M. Patterson, chairman of the Georgia State Committee on Southern Rural Development, Albany, Ga., who testified in part as follows:

"In the days of slavery the cities did not cut so much figure in the South. The big plantation was the social center in the South. When the slaves were set free, the majority of those big plantation owners were in financial straits. They could not carry on. They resorted naturally—the only resort they had—to the tenant system with negroes. In a very short time, as the older generation died off, the younger generation moved to the towns, deserted the old homes. They expected the negro tenants, whom they had to finance, give them mules and the necessaries of life, to make enough money off the plantation to support the owners in the towns. In the meantime they did not put back any improvements on the land in the way of building and equipment. The white men that were left on the farms were known in that country as no-good white men, ne'er-do-wells. It was not respectable for a white man to labor on a farm. That condition went on. The one-crop system was forced on them.

"Senator SIMMONS. You are speaking of the slave-holding sections of the State, are you not?

"Mr. PATTERSON. Yes. I am not trying to describe your State; I am describing southern Georgia.

"Senator WALSH of Montana. That was all slave-holding, was it not?

"Senator SIMMONS. Pretty much. North Carolina was less than half.

"Mr. PATTERSON. That is correct. I should have made that modification. It was the only thing they could sell for cash. They came to the point where they felt they could not raise anything but cotton and a little corn. In the meantime the Great Plains of the West were opened up, and the slogan was, 'Go west, young man.' The railroads were putting out all sorts of inducements to people to go West, with the result that no new agricultural blood came South. And to this day to only a very limited extent have any agricultural people come into the South. That tells us why we are in the condition we are in, I think."

There also appeared Mr. R. S. MacElwee, commissioner of port development, Charleston, S. C., who was for years with the International Harvester Co. and traveled extensively in that interest in America and abroad, and who was also at one time Chief of the Bureau of Foreign and Domestic Commerce of the Department of Commerce. Mr. MacElwee said, in part:

"The question always in establishing an enlightened, organized rural community, of interdependence of individuals, owning their own lands, was the initial investment in buildings and land necessary to start. After the start, scientific agriculture and education along various social as well as agricultural lines has inevitably worked out satisfactorily in those places I had occasion to observe in the old country, where certain new districts were built up with a new group of farmers.

"The reason that a program requiring from 30 to 50 years is a State problem, using the word 'State' now in an economic sense as a governmental problem, is the same as that of forestry and reforestation. It is too long for private initiative, because the returns are too far deferred. To build a rural community is as long a process as building a forest; the same principles of investment and return, the same security on what is built up as a forest, is found in these communities.

"Now, some of the functions of a large group of independent landowners, associated together for mutual benefit, are: In the purchase of their supplies, the examining of their fertilizer and their seeds, the breeding of better seeds, breeding of better stock, the maintenance of certain stud animals to improve stock on the farms, and what is known as farm statics; that is, the balance of interrelationship like a bridge girder, of plant life, of animal life on the farm, are only possible where the group works together. The individual can not do it. And that was the reason the capital investment and necessity of group action that caused in the early history of the German Empire, particularly in Prussia, the application of these methods in groups, over long periods of years, to certain areas that were backward and needed to be brought up again. It was a case of encouraging individual farm owners, who 50 years ago showed a tendency to drift back into the agricultural slump.

"Now, the benefits I am sure will be brought out by other speakers that have already been touched upon. Among them is that of joint group marketing, the joint use of breeding stock, the joint use of large machinery—and that is where I come in in my harvesting work. For instance, the farmers had too little wheat to use a binder, but the group maintained a park of binders and one binder would cut the wheat of three or four farms, and probably 12 binders would be used by the group and take care of 20 or 30 farms.

"I mentioned the examination of feeds and fertilizers and seeds, in which there has always been a certain amount of inadequate supervision. The question of soil study is carried on now by the Department of Agriculture where the farmers are intelligent enough to use it, but the question of having your neighbors' soil analyzed, and their fertilizer analyzed, and then producing better crops, will bring the backward fellows into line."

Special attention is called to the printed hearings, from which the foregoing statesments are taken.

ANNIVERSARY OF BRIGADIER GENERAL PULASKI'S DEATH

Mr. FESS. Mr. President, from the Committee on the Library I report back favorably without amendment the joint resolution (S. J. Res. 50) to provide for the observance of the one hundred and fiftieth anniversary of the death of Brig. Gen. Casimir Pulaski. I invite the attention of the junior Senator from Washington [Mr. DILL] to this report.

Mr. DILL. Mr. President, the joint resolution simply authorizes the President to request the observance of the one hundred and fiftieth anniversary of the death of General Pulaski. I ask unanimous consent for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, and it was read, as follows:

Whereas October 11, 1779, marks, in American history, the date of the heroic death of Brig. Gen. Casimir Pulaski, who died from wounds received on October 9, 1779, at the siege of Savannah, Ga.; and

Whereas the States of Indiana, Wisconsin, Michigan, Ohio, South Carolina, Pennsylvania, New York, Minnesota, Maryland, New Jersey, Illinois, and other States of the Union have, by legislative enactment, designated October 11, 1929, to be "General Pulaski's Memorial Day"; and

Whereas October 11, 1929, marks the one hundred and fiftieth anniversary of the death of General Pulaski, and it is but fitting that such date should be observed and commemorated with suitable patriotic exercises: Therefore be it

Resolved, etc., That the President of the United States is requested, by proclamation, (1) to invite the people of the United States to observe October 11, 1929, as the one hundred and fiftieth anniversary of the death of Brig. Gen. Casimir Pulaski, Revolutionary War hero, by holding such exercises and ceremonies in schools, churches, or other suitable places as may be deemed appropriate in commemoration of the death of General Pulaski, and (2) to provide for the appropriate display of the flag of the United States upon all governmental buildings in the United States on such date.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KENDRICK:

A bill (S. 1333) to encourage and promote the production of livestock in connection with irrigated lands in the State of Wyoming; to the Committee on Public Lands and Surveys.

By Mr. COPELAND:

A bill (S. 1334) for the relief of the Herschel Jones Marketing Service, (Inc.) (with accompanying papers); to the Committee on Claims.

By Mr. TYSON:

A bill (S. 1335) for the relief of Joseph S. Johnson; to the Committee on Military Affairs.

A bill (S. 1336) for the relief of Booth & Co. (Inc.), a Delaware corporation; to the Committee on Claims.

A bill (S. 1337) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Clinch River, near Kingston, in Roane County, Tenn.; to the Committee on Commerce.

By Mr. OVERMAN:

A bill (S. 1338) granting a pension to Nancy Dobbs Cassidy; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 1339) granting a pension to Isabelle Simington (with accompanying papers);

A bill (S. 1340) granting an increase of pension to Elizabeth A. Mitchell (with accompanying papers); and

A bill (S. 1341) granting an increase of pension to Frances A. Owens (with accompanying papers); to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 1342) for the relief of E. S. de Bessieres (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 1343) granting a pension to Marguerite D. Maxwell; to the Committee on Pensions.

By Mr. REED:

A bill (S. 1344) to authorize the payment of burial expenses of former service men who die in indigent circumstances while receiving hospitalization and whose burial expenses are not otherwise provided for;

A bill (S. 1345) to authorize the Secretary of War to acquire, free of cost to the United States, the tract of land known as Confederate Stockade Cemetery, situated on Johnstons Island, Sandusky Bay, Ohio, and for other purposes; and

A bill (S. 1346) to amend section 5a of the national defense act, approved June 4, 1920, providing for placing educational orders for equipment, etc., and for other purposes; to the Committee on Military Affairs.

By Mr. VANDENBERG:

A bill (S. 1347) to amend section 5 of an act entitled "An act authorizing Maynard D. Smith, his heirs, successors, and assigns, to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.," approved March 2, 1929, and being Public Act 923 of the Seventieth Congress; to the Committee on Commerce.

By Mr. WHEELER.

A bill (S. 1348) granting an increase of pension to Thomas B. Morton; to the Committee on Pensions.

By Mr. WAGNER:

A bill (S. 1349) to provide for the appointment of Maurice D. Loewenthal as a warrant officer, United States Army; and

A bill (S. 1350) for the relief of Harry Stanbrough Monell, formerly chairman War Department Claims Board Transportation Service; to the Committee on Military Affairs.

By Mr. FLETCHER:

A joint resolution (S. J. Res. 51) to provide for the preparation and distribution of pamphlets containing the Constitution of the United States printed in foreign languages and in English; to the Committee on Printing.

AMENDMENT TO THE TARIFF BILL—SPONGES

Mr. FLETCHER submitted an amendment intended to be proposed by him to House bill 2667, the tariff revision bill, which was referred to the Committee on Finance and ordered to be printed.

OPEN EXECUTIVE SESSIONS

Mr. JONES. Mr. President, I submit a substitute for Senate Resolution 19, and ask that it may be printed, printed in the RECORD, and lie on the table.

There being no objection, the proposed substitute to Senate Resolution 19, to amend paragraph 2 of Rule XXXVIII, relating to proceedings on nominations in executive session, was ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

In lieu of the language contained in the resolution insert the following:

"2. Nominations shall be considered in open session unless the committee reporting any particular nomination shall recommend that it be considered in closed executive session, and the Senate by a majority vote shall so determine. When nominations are considered in closed executive session all information communicated or remarks made by a Senator concerning the character or qualifications of the person whose nomination is being so considered shall be kept secret. If, however, charges shall be made against a person nominated, the committee may, in its discretion, notify such nominee thereof, but the name of the person making such charges shall not be disclosed. The fact that a nomination has been made, or that it has been confirmed or rejected, shall not be regarded as a secret; and all roll calls in closed executive session, together with a statement of the question upon which such roll calls are had, shall be published in the RECORD."

PRINTING OF PROCEEDINGS AT UNVEILING OF STATUE OF WADE HAMPTON

Mr. SMITH submitted the following concurrent resolution (S. Con. Res. 13), which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed with illustrations, and bound, the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall, upon the acceptance of the statue of Wade Hampton, presented by the State of South Carolina, 5,000 copies, of which 1,000 shall be for the use of the Senate and 2,500 for the use of the House of Representatives, and the remaining 1,500 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of South Carolina.

The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer and shall procure suitable illustrations to be bound with these proceedings.

HOUSE JOINT RESOLUTIONS REFERRED

The following joint resolutions were severally read twice by their titles and referred to the Committee on Appropriations:

H. J. Res. 82. Joint resolution making appropriations for additional compensation for transportation of the mail by railroad routes in accordance with the increased rates fixed by the Interstate Commerce Commission;

H. J. Res. 83. Joint resolution to make available funds for carrying into effect the public resolution of February 20, 1929, as amended, concerning the cessions of certain islands of the Samoan group to the United States; and

H. J. Res. 84. Joint resolution extending until June 30, 1930, the availability of the appropriation for enlarging and relocating the Botanic Garden.

"LENROOT'S LIFT"

Mr. WHEELER. Mr. President, I present an editorial from the Helena Independent of May 29, 1929, entitled "Lenroot's Lift," which I ask may be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Helena (Mont.) Independent, May 29, 1929]

LENROOT'S LIFT

The elevation of ex-Senator Lenroot to the Federal judiciary shows the people how it is done to them.

As a lawyer Lenroot had very limited experience. He had been "lame ducked" by the people of his home State, who knew him best. According to evidence before the Federal Trade Commission, he had received $20,000 from the Power Trust to further its interests before the Senate. In one of his first public addresses President Hoover urged the necessity of improvement of the judiciary.

In the face of these things Lenroot gets a $12,000 Federal judgeship for life, with full-pay pension upon retirement. He had whooped it up for Hoover's nomination at the Kansas City convention.

The matter will be regretted by millions of Mr. Hoover's admirers. However, even Achilles had a weak spot, in his heel.

"WHEAT AND REPUBLICANS"

Mr. WHEELER. Mr. President, I present an editorial from the New York Times of to-day entitled "Wheat and Republicans," which I ask may be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 3, 1929]

WHEAT AND REPUBLICANS

The low price of wheat has thrown the Republicans at Washington into low spirits. Their opponents are charging them with responsibility for the drop and they don't well see how they can deny it. Certainly their party has always claimed the credit when wheat was $1.50 a bushel or more, the theory being that the protective tariff makes wheat germinate, furnishes just the right amount of moisture and heat, keeps out rust, and leads the happy farmer always to vote the Republican ticket. But now what is happening? The tariff duty on wheat has been pushed up to 42 cents a bushel, while almost at the same time the market price has fallen something like 30 cents. Coincidentally, the Republicans were passing their bill for farm relief, designed to prevent surplus production, or else to take care of it, to stabilize prices and put money in

the pocket of every farmer. Yet wheat, in the most perverse spirit, has kept on piling up an unwieldy surplus and glutting the markets even at the lower price. This is unfortunate economically, but politically the Republicans feel that it is deadly.

What to do about it they are at their wits' end to know. Senator NYE has introduced a bill to take $200,000,000 out of the Treasury to buy up the surplus wheat. Then it is to be given away to the starving Chinese. How it could be got to them, whether they would like it and use it, no one seems to know. The main thing is to get the carried-over wheat and the expected surplus from this crop out of the market. That would be expected to raise the price on what is left. But would not this be in the very act a confession that the whole Republican scheme of enriching the farmer through the tariff is a flat failure? Something else, it is now perceived, must be done or attempted.

It will not do for the harassed Republicans to fall back on the law of supply and demand. It, they have long asserted, can be modified or repealed by tariff taxes. Yet in this instance the tariff obviously will not work. It is undoubtedly true that in the United States and also in Canada and other wheat-growing countries, there has been overproduction. How to deal with it is admittedly a serious question. But the proof is ample that it does not fit at all into the Republican theory. Events have demonstrated this and have brought about the confusion and gloom into which the Republican leaders have been thrown by the sight of wheat selling below $1. They never could have believed that nature and the docile Republican farmers would behave so ungratefully!

ENROLLED JOINT RESOLUTION PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on to-day that committee presented to the President of the United States the enrolled joint resolution (S. J. Res. 34) authorizing the Smithsonian Institution to convey suitable acknowledgment to John Gellatly for his offer to the Nation of his art collection and to include in its estimates of appropriations such sums as may be needful for the preservation and maintenance of the collection.

CALL OF THE ROLL

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Gillett	La Follette	Smith
Ashurst	Glass	McKellar	Smoot
Blease	Glenn	McMaster	Steiwer
Borah	Goff	McNary	Stephens
Bratton	Greene	Metcalf	Swanson
Brookhart	Hale	Norbeck	Thomas, Idaho
Broussard	Harris	Norris	Thomas, Okla.
Burton	Harrison	Nye	Townsend
Capper	Hastings	Oddie	Trammell
Connally	Hatfield	Overman	Tydings
Copeland	Hawes	Patterson	Tyson
Couzens	Hayden	Phipps	Vandenberg
Cutting	Heflin	Pine	Wagner
Dale	Howell	Pittman	Walcott
Dill	Johnson	Ransdell	Walsh, Mass.
Edge	Jones	Reed	Walsh, Mont.
Fess	Kean	Sackett	Warren
Fletcher	Kendrick	Schall	Waterman
Frazier	Keyes	Sheppard	Watson
George	King	Simmons	Wheeler

Mr. HEFLIN. My colleague the junior Senator from Alabama [Mr. BLACK] is unavoidably absent from the Senate.

Mr. FESS. The junior Senator from Maryland [Mr. GOLDSBOROUGH] is absent from the Chamber on account of illness. The junior Senator from Rhode Island [Mr. HEBERT] is unavoidably detained from the Senate.

Mr. WATSON. My colleague the junior Senator from Indiana [Mr. ROBINSON] is necessarily absent from the city.

The VICE PRESIDENT. Eighty Senators having answered to their names, a quorum is present. The Senate resumes the consideration of Senate bill 108, the unfinished business.

MARKETING OF PERISHABLE AGRICULTURAL COMMODITIES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 108) to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce.

Mr. SWANSON. Mr. President, I have received a telegram from Hon. G. W. Koiner, commissioner of agriculture of Virginia, who is a very efficient and capable commissioner, regarding the pending bill. It is very short. I ask that it be read at the desk.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The telegram was read and ordered to lie on the table, as follows:

RICHMOND, VA., *June 1, 1929*.

Senator CLAUDE A. SWANSON:

Please support bill now pending, Borah patron, to suppress unfair and fraudulent practices in marketing perishables.

G. W. KOINER.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. WALSH of Montana. Mr. President, I offer an amendment to strike out subdivision 6, on page 2, beginning in line 12, and to insert in lieu thereof the following:

> The term "dealer" means any person engaged in the business of buying or selling any perishable agricultural commodity in interstate or foreign commerce: *Provided*, That this act shall not apply to retailers buying in less than carload quantities, nor shall section 4 of this act apply to producers selling only products of their own raising.

The language of that subsection as it is drawn is awkward. It will be observed that it first excludes persons who are engaged in buying or selling at retail, and then provides that those buying in less than carload lots are excluded, but those buying in more than carload lots are included. The only purpose is to correct what might be considered the faulty construction of the paragraph, and to exclude from the operations of the licensing feature of the proposed act; that is, from the requirement of the license, producers selling or shipping products of their own raising.

Mr. KING. Let the amendment be stated, Mr. President.

The VICE PRESIDENT. The Secretary will state the amendment.

The CHIEF CLERK. It is proposed to strike out subsection 6, on page 2, beginning in line 12, and in lieu thereof to insert:

> The term "dealer" means any person engaged in the business of buying or selling any perishable agricultural commodity in interstate or foreign commerce: *Provided*, That this act shall not apply to retailers buying in less than carload quantities, nor shall section 4 of this act apply to producers selling only products of their own raising.

Mr. COPELAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from New York?

Mr. WALSH of Montana. I yield.

Mr. COPELAND. Mr. President, I desire to ask the Senator from Montana if this would not be the effect of his amendment: Since the exempted persons would be unlicensed persons, is it not probable that the licensed commission men would refuse to deal with them, and that they, in their turn, would be forced then to go to the brokers or commission merchants of the locality who are licensed? In other words, would not the producers be placed at the mercy of the present situation?

Mr. WALSH of Montana. I would hardly expect that to happen. I should imagine that the commission merchant would be eager to buy where he could buy to the best advantage.

Mr. COPELAND. But, if the Senator will permit me, there would be a decided lack of mutuality there. The commission merchant, for instance, in New York would be liable to all the penalties of the bill, should it become a law, while the person shipping would have no responsibility under it. As I have before stated, many times perishable commodities which are received in New York are received in bad condition because they are badly packed; they are not sent as they should be; they are damaged in transit and are received in a condition which makes them unsalable. The producer knows that when he ships those products they are all right, and, of course, he has a grievance; but the commission merchant in New York, who is licensed, knows that if he takes any chances of that sort of thing from an unlicensed person, the unlicensed person in the country has no penalty to pay. All the burden is then placed upon the commission merchant in New York.

I am quite confident that this amendment, which, on the face of it, seems so good, would result in throwing the producer in the country into the hands of the local broker.

Mr. WALSH of Montana. Mr. President, I am not at all apprehensive of the result that seems to trouble the Senator from New York. I do not imagine that the producer who ships will be at any disadvantage whatever by not being obliged to take out a license, which seems to me would be a burden upon him, of which the amendment seeks to relieve him. There is, however, a very just consideration suggested by the Senator from New York, namely, that there is no mutuality in the matter. The commission merchant is obliged to take out a license, and becomes subject not only to the ordinary common-law action but subjects himself to being disciplined by the Secretary of Agriculture; if his offenses are grievous, his license may be taken away from him entirely; and he stands that chance as well as the other chances. Likewise, an additional remedy is offered to the shipper.

The only lack of mutuality which seems to me to be worthy of consideration is that the commission merchant may be in correspondence with a producer shipper, and the producer shipper may represent that his commodities are of a certain class and kind, but when they are received with a bill of lading at-

tached the commission merchant, or, at least, the purchaser of the goods, is at this disadvantage: He must take up the bill of lading before he practically sees the commodities at all. If they are misrepresented to him he has, of course, a cause of action against the shipper, which he may prosecute in any of the courts without the aid of this proposed statute.

I do not apprehend, however, that occasions of that kind will arise very often; and Senators will observe that the bill as it stands proposes to exempt the producer shipper from the necessity of securing a license if his shipment is less than a carload lot. The provision is merely extended to give him the exemption whether he ships in carload lots or in less than carload lots.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. WALSH of Montana. I yield.

Mr. BORAH. I was going to suggest to the Senator from Montana and to the Senator from New York that the fee for the license be reduced to a nominal sum. I see some objections to relieving from the operations of the bill the producer seller who ships a carload. Would it be satisfactory if the amount of the license were reduced to $1? The great object of this bill, of course, is to prevent commission merchants and dealers and brokers from doing business who are not willing to do business in a *fair* and honest way.

Mr. WALSH of Montana. That would be entirely satisfactory to me.

Mr. SMITH. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from South Carolina?

Mr. WALSH of Montana. I yield.

Mr. SMITH. I should like to call attention to the fact, although it is well known to those who have given thought and study to this bill, that many shipments are made by different producers. For instance, a carload may represent commodities produced by four or five melon growers or truck growers who assemble their products and ship them in carload lots. Under the provisions of this bill each one would have to take out a license.

Mr. BORAH. No.

Mr. SMITH. Each one would be liable, for each one who contributed to the carload lot would be shipping virtually in a carload lot.

Mr. BORAH. No. If four or five shippers should combine and make of their products a carload lot, each one would not be selling in a carload lot, because each one would be contributing below a carload lot.

Mr. SMITH. But the entire shipment is in a carload lot.

Mr. BORAH. The products may be shipped in a carload lot, but the bill only applies to individual shippers who ship their own products in carload lots. If four or five should ship together, the bill would not cover the four or five.

Mr. SMITH. I have a comment here from one who has had considerable experience in matters of this kind. He calls my attention to this particular provision of the bill and seems to be of the opinion that it would be disadvantageous. In his communication to me he goes on to say:

> It should be remembered that practically 85 or 90 per cent of all the fresh fruit and vegetables entering into interstate commerce are shipped in car lots, if not by one producer, then by two or more producers in the same community who combine their shipments to save freight. In such cases all would be required to pay the license of $10 annually.

Mr. BORAH. I am going to modify the provision calling for the payment of $10 for a license in a few moments, but I may say at this time it would not apply, I think, at all to a combination of parties shipping a carload lot.

Mr. SMITH. The bill says "any dealer." Under the terms of the amendment proposed by the Senator from Montana, as I understand it, the individual shipper—that is, the producer who ships in carload lots—is eliminated. He is not liable to pay the $10 license if he ships his own products in carload lots.

I imagine the object of this bill is not to embarrass the producer but to guarantee a square deal to him by the man who purchases his products and who, under the terms of the bill, is required to make a correct report as to the condition of the products when they arrive.

I listened to the statement of the Senator from New York [Mr. COPELAND], but I do not see how we would benefit the business of truck growing and shipping by imposing a license upon the man who produces and ships, because the condition in which the products arrive may not be chargeable to him at all. The commodities may be damaged in transit; they may be received in bad condition because of several reasons arising after they leave his hands. However, we are attempting to give him a square deal in relation to the products which he grows when they arrive at the market, and I do not see why we should not be careful in the wording of the bill not to put a tax or a burden upon the producer, but simply, as nearly as we can, protect him from imposition growing out of the condition of his products when they arrive.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Utah?

Mr. WALSH of Montana. I yield.

Mr. KING. I am not certain whether the reply of the Senator from Montana to the Senator from Idaho means that he has receded from the amendment which he offered. As I understood his amendment to subdivision 4, it was to relieve producers from the necessity of taking out licenses, and, as I understand, the Senator from Idaho objects to the amendment. He insists that the producer himself shall be subjected to the terms of the bill.

Mr. BORAH. I am particularly anxious that the producer shipping in carload lots shall have the benefit of this bill when his products reach the market. I was of the opinion when the amendment was first offered by the Senator from Montana that it would exclude him from the operations of the bill entirely. I asked, therefore, would it not be practicable to reduce the amount of the fee to a dollar a year instead of $10? Then there could be very little objection to the producer shipping in carload lots taking out a license.

Mr. KING. Mr. President, if I may interrupt the Senator from Montana further——

The VICE PRESIDENT. Does the Senator from Montana yield further to the Senator from Utah?

Mr. WALSH of Montana. I yield.

Mr. KING. The amount of the license fee is unimportant, so far as I am concerned. It is the principle involved which engages my attention. In the first place, I am not in accord with the view that to carry on business one must obtain a license from the Federal Government and subject himself to the surveillance of the Department of Agriculture or some other Federal department. However, waiving that point, I submit that it is unfair, if this bill is in the interest of the producer, to subject him to the terms of the bill requiring him to take out a license. If some commission merchant or consignee complains that a producer shipped products that did not suit the consignee, then the producer's license is to be taken from him and he is thereafter denied the right to sell or dispose of his products in interstate commerce. I object to the amendment of the Senator from Montana if by it he seeks to require producers to take out Federal licenses.

Mr. WALSH of Montana. Mr. President——

Mr. BORAH. Mr. President, may I say just a word first?

The VICE PRESIDENT. Does the Senator from Montana yield further to the Senator from Idaho?

Mr. WALSH of Montana. I yield.

Mr. BORAH. Notwithstanding the suggestions which have been made, I desire to change the amount of the fee, and then, so far as I am concerned, I am going to accept the amendment of the Senator from Montana.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield further?

Mr. WALSH of Montana. I should like to say a word now myself.

Mr. President, I desire to make it clear to the Senator from Utah that the bill as it is before us subjects the producer-shipper to the requirement of taking out a license. It, however, exempts the shipper provided he ships in less than carload lots. If he ships in a carload lot or more than a carload lot, he must take out a license under the provisions of this bill.

Mr. SMITH. Mr. President——

Mr. WALSH of Montana. The purpose of this amendment is to exempt a producer-shipper from the necessity of taking out a license whether he ships in carload lots or less than carload lots.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana now yield to the Senator from Utah?

Mr. WALSH of Montana. I do.

Mr. KING. If that is the effect of the amendment, I approve of it, because as I urged on Friday and a moment ago as an objection to the bill the provision subjecting the producer to the terms of the bill which govern commission merchants.

Mr. WALSH of Montana. The only answer I can make to that is the suggestion made by the Senator from New York. If we require the consignee to take out a license so that the shipper may have another remedy, it would seem as though perhaps we ought to give the consignee, in exactly the same

way, another remedy against the shipper; but legislation always meets abuses, and it is inadvisable to have it go farther than the necessities of the case. Up to the present time I have not heard very much of embarrassments to which commission merchants have been subjected in their dealings with their shippers, while the complaints the other way have been innumerable.

Mr. SMITH and Mr. TRAMMELL addressed the Chair.

The VICE PRESIDENT. Does the Senator from Montana yield; and if so, to whom?

Mr. WALSH of Montana. I yield to the Senator from South Carolina.

Mr. SMITH. Mr. President, if the proposition of the Senator from Idaho is accepted, that we make the license fee a nominal one, then, in case the license is taken out, it presupposes that some standard must be set up by the department that issues the license as to the quality of the goods and the character of the shipment; and if the producer does not subscribe or some one alleges that he has not subscribed to these restrictions or to the formula that the Agricultural Department may set up, then he loses his license and can not ship any more stuff. He is out; and the very object of this bill and of all legislation along this line is to encourage fair dealing with those who are organized to receive it. Why should we require any license at all upon the part of the producer who ships his stuff subject to inspection when it arrives?

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. WALSH of Montana. I do.

Mr. BORAH. I have accepted the amendment of the Senator from Montana. I have also reduced the amount of the fee; but let me say in this connection that while this bill is designed primarily to protect the producer, yet nevertheless there is another party in the transaction, and that is the commission merchant or the dealer. They are entitled to some consideration; and it was for that reason that the bill was drawn as it was, so that there would be a parity of obligation between them. I have no fear myself of any producer being cut out of the privilege of shipping; but I have accepted the amendment, and so that eliminates that question entirely.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER (Mr. PHIPPS in the chair). Does the Senator from Montana yield to the Senator from New York?

Mr. WALSH of Montana. I yield.

Mr. COPELAND. I can hardly understand how the Senator from Idaho can accept this amendment if the purpose of this bill is to protect the producer. That is what it is for; is it not?

Mr. BORAH. That is one purpose.

Mr. COPELAND. Well, that is the main purpose. It would not be here if the commission merchant had to be protected; the bill would not have been brought in, at least in this form.

Now, however, the Senator accepts an amendment which places the producer at home entirely at the mercy of the home broker; because why should the commission merchant in New York or Chicago, seeking to buy produce, buy it of an irresponsible shipper in the country somewhere, when in the same section of the country there is a licensed commission man or broker? He will not do that. Since he is brought under the regulation of this act, he is bound to deal with another person who is under the same regulation; and I think the Senator from Idaho, if he will permit me to say so, makes a serious mistake if he does this.

Mr. THOMAS of Idaho. Mr. President——

The PRESIDING OFFICER. The Senator from Montana has the floor. Does he yield?

Mr. WALSH of Montana. I yield to the junior Senator from Idaho.

Mr. THOMAS of Idaho. I desire to ask a question of the Senator from New York. Now, we have regulated the stockyards so that the commission merchants there are practically under a license; we have regulated the grain exchanges so that the commission merchants on the grain exchanges are accountable to some one; and yet the man who ships the carload of grain is not required to take out a license, nor is the man who ships a carload of livestock required to take out a license. The people at the other end are supposed to give him an account of the shipment when it arrives; and the idea of this bill is to have these people given some accounting and given a square deal.

My experience in dealing with the commission merchant is that he will not raise that question; that he is not opposing this bill, because he welcomes honest dealing and honest handling of products: but the trouble with the situation is that there are a lot of irresponsible fellows in the country who might be called scalpers, who feel that it is legitimate to rob the farmer and the country dealer every time a carload of produce starts to market.

Mr. COPELAND. Mr. President——

Mr. WALSH of Montana. I now yield to the Senator from New York.

Mr. COPELAND. Mr. President, is all the dishonesty in the world in the cities?

Mr. BORAH. No; certainly not.

Mr. COPELAND. All right.

Mr. BORAH. But there are several dishonest people in the cities.

Mr. COPELAND. That is probably true; and there may be several in the country. I contend, however, that it is not fair to ask the commission merchant in the city to submit to the conditions of section 4, requiring the license—and I notice in subsection (b) that the Secretary may, by regulation, prescribe the information to be contained in such application—it is not fair to ask the commission merchant to submit to that sort of regulation and then to let anybody in the world ship goods and then later make a claim for money—I see that this is a collection agency as well as everything else—and also to penalize the commission merchant because he has refused to receive, or has dumped out as unsuitable, material which has beeen sent by somebody in the country who is absolutely irresponsible, unlicensed, can not be reached by the Secretary of Agriculture or by the courts, but is a perfectly irresponsible individual shipping this stuff. I am not a lawyer; but if this lack of mutuality would not defeat this bill in the courts, I am sure nothing possibly could.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from North Carolina?

Mr. WALSH of Montana. I yield to the Senator.

Mr. SIMMONS. I should like to say to the Senator from New York that in case this bill is passed, and a proceeding of the character provided in the bill should be inaugurated before the department, in that proceeding necessarily the name of the shipper would be disclosed, and the grievance of the shipper would be disclosed. If there was falsification on the part of the commission merchant as to the quality or as to the condition of the goods, if that was the gravamen of the complaint, undoubtedly in any tribunal or before any person invested with the power to try that question the commission merchant would have the right to answer that the damage complained of was not the result of a false contention; that the goods were, in fact, damaged before they were shipped, or damaged in transit; and the shipper's contention that they were dumped, or that the price was reduced on account of the condition, would be the issue in controversy.

Mr. COPELAND. Mr. President, if the Senator will yield there, he has that right now.

Mr. SIMMONS. He would have it under this bill.

Mr. COPELAND. There is not any new right granted, but there is a further obligation placed upon him.

Mr. SIMMONS. That is all the right he needs to have. The complaint is against him.

Mr. COPELAND. Against the shipper?

Mr. SIMMONS. No; it is against the commission merchant, that "you have falsely represented that this commodity was in bad condition," or that "you have falsely represented that it was in such condition that it had to be rejected and dumped." That will necessarily have to be the contention of the shipper; and in answer to that contention the commission merchant can set up the fact that the alleged bad condition occurred either before shipment or in transit, and that he was in no way responsible for it.

Mr. COPELAND. But, Mr. President, if the Senator will permit me, if the shipper is licensed he then has placed upon him the same obligation to ship goods that are first class and properly packed, because otherwise the commission man would have no recourse except to the courts, and his own license might be taken away from him, while this man at home having no license, it would not make any difference to him; there is no penalty involved.

Mr. SIMMONS. The decision of that question can only arise upon complaint; and when the complaint is made the commission merchant has the same right to develop the facts before the Secretary of Agriculture that the farmer has to develop the facts that he contends for against the commission merchant.

Mr. COPELAND. Is the Senator now assuming that the shipper also is licensed?

Mr. SIMMONS. No; I see no necessity for licensing the shipper. Of course, Mr. President, as I said the other day, it is true that in nearly all the States, I think—certainly in my State—these goods are inspected before they are shipped, and they are required to be put up in standard packages before they are shipped, and there is verification of that fact at the end of the line where the shipment originates.

The PRESIDING OFFICER. The Senator from Montana is entitled to the floor.

Mr. WALSH of Montana. I had said all that I care to say, Mr. President.

Mr. SIMMONS. Mr. President, I desire to ask the Senator from Idaho one question. I infer from a statement made by the Senator a little while ago that the provisions of this bill would apply only to shipments in carload lots. Does that mean that no shipper would be entitled to the benefits of this bill unless he ships a full carload lot?

Mr. BORAH. Oh, no!

Mr. SIMMONS. The custom is this, I think: Very frequently two or three producers will club together and make up a carload lot.

Mr. BORAH. Certainly.

Mr. SIMMONS. And I had supposed, before the statement made by the Senator gave rise to some little confusion and doubt about it, that a shipment of that sort would come under the provisions of this bill, notwithstanding no one man owned all of the carload.

Mr. BORAH. Certainly; I have no doubt about it.

Mr. OVERMAN and Mr. GEORGE addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. OVERMAN. Mr. President, I am in great doubt about this question, on account of an amendment to this bill that the Senator accepted the other day. Will it not absolutely destroy and abolish commerce between the States, in this way?—Suppose a man in Georgia ships a carload of watermelons to a commission merchant in New York. If the Georgia man, because of some feigned or real claim for damages, can sue the man in New York for $10, and the New York man has to go down to Georgia to defend the suit, and carry his witnesses down there to respond to a claim of $10 damage, think of the millions of suits that would arise in the country, involving men doing business in all the States, getting shipments of perishable products from the different States. Under these circumstances commission merchants would not, I think, take out licenses to do business if they are to be harassed all over the United States, from California to Maine, by suits of all kinds in the Federal courts. This would extend the jurisdiction of the Federal courts farther than was ever dreamed by man could be done. For some real or fancied damage anybody in one State could sue a commission merchant in any other State, and we would have possibly millions of suits in the Federal courts in cases of this kind. Would not that cause every shipping merchant to quit the business? If he is to be sued for every little fancied wrong in any State, he would go out of business.

Mr. BORAH. Mr. President, I did not believe the amendment we agreed to on Friday would have that effect, but I am going to reserve it for action in the Senate and will consider the matter myself. But let me say one thing to the Senator. He says that under the amendment a commission merchant might be sued in a State far from his place of business.

Mr. OVERMAN. Yes.

Mr. BORAH. What is the situation now with reference to the shipper? Can he get any relief whatever? He must travel from a thousand to three thousand miles, and take his lawyers and his witnesses.

Mr. OVERMAN. Yes; but the Senator proposes to give jurisdiction to the Federal courts in this matter, something that has never been done in our history.

Mr. BORAH. I want to say that, while I have reserved that question for further consideration, and intend to reserve it for the purpose of considering it, if it is within my power to have enacted a law which will make it possible to have a suit brought at the home of the producer, I am going to urge it. I do not want to have any question of constitutionality arise, but I believe such a provision would be fair.

Mr. OVERMAN. But the question in my mind is this: When that is done, will not thousands of suits originate in the States for all sorts of claims, whether real or fancied, just or unjust, and will not the commission merchants have to go into the various States and try the cases, and will that not really result in their undoing, so that they will cease to do business?

Mr. BORAH. The condition the Senator fears as to the commission merchant is what is now putting so many producers out of business. They are compelled to ship to States from a thousand to two thousand miles from home, and when the produce reaches its destination they must take the discretion and judgment of another party entirely. If that discretion and judgment do them a wrong, then the shipper has to go to the consignee's place of business in order to sue him, and the result is that the shipper to-day has absolutely no protection against the misconduct of those people.

Mr. OVERMAN. I realize that, and yet I want commerce to go on; I want our people to be able to ship and I want the merchants in business everywhere to be able to do business as shippers.

What is the matter with the present law? Is not that a good law? The Senator stated the other day that it was a fine law with one exception. The Senator, by his measure, would give Federal courts jurisdiction, when that is not provided in the present law. If the present law were enforced, it would carry out all the purposes for which the Senator is contending.

Mr. BORAH. Far from it. The present law has its virtues and is helpful, but under it a shipper in North Carolina has to go to New York in order to bring a lawsuit if one is necessary. That affords no remedy whatever.

Mr. OVERMAN. Does not the present law give a right to the Secretary of Agriculture to investigate, to look into these questions, and send an inspector to find out the truth about the matter?

Mr. BORAH. Exactly; but when he finds out what the conditions are, although a disclosure of the facts may show the shipper to be in the right, the shipper is powerless to enforce his claim because of the distance which he must travel, the expense to which he must go, and the obligations which he must incur in order to maintain his rights.

Mr. OVERMAN. I realize that, and yet his rights can be enforced by the Secretary of Agriculture simply by a notice, and I think they will be enforced in that way.

I submit this for the consideration of the Senator, that this would work an absolute embargo against producers in one State shipping to other States. That would be the effect of it, because men who go into business do not want to be harrassed by suits all over the United States.

Mr. BORAH. That is assuming that every shipper and every producer is a contentious, cantankerous, unprincipled man, who will bring a suit when he has no justification.

Mr. OVERMAN. Not all, but some.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I yield.

Mr. KING. Does not the Senator think this extraordinary provision will greatly modify not only our business dealings but our system of jurisprudence? This bill deals with nation-wide activities and thousands of transactions daily. There are tens of thousands of persons engaged in the buying and selling of fruits and vegetables and most of their dealings are interstate in character. They are citizens of the various States, amenable to State laws, and may be sued in State courts. Efforts are being made by some to restrict the jurisdiction of Federal courts and to prevent transfers from State courts to Federal courts on the ground of diversity of citizenship. This measure seeks to extend the authority of the Federal Government and the jurisdiction of the Federal courts and to bring within their cognizance a large part of the business transactions of individuals and corporations. If we are to transfer to executive agencies the power to supervise all business transactions of an interstate character and to the Federal courts all controversies growing out of interstate dealings and transactions, soon the States will be stripped of their authority and the State courts of much of their present jurisdiction.

Under this bill as amended, individuals may be dragged from one end of the continent to the other by suits brought in Federal courts, remote, as stated, from their homes. If a suit is brought, the venue, of course, will be laid by the person who claims a right of action in the State of his residence and the person or corporation with whom he dealt, living thousands of miles away, may thus be sued in the Federal court by the person claiming the cause of action, no matter how trifling his claim may be, and so compelled to defend such action.

Mr. BORAH. What has the Senator to say as to the right of recovery now of a man shipping from his State if damage is done him by a commission merchant in New York, we will say?

The Senator is prefectly aware of the fact that although he may have a just claim, and although the facts may be sufficient to justify a suit, yet by reason of the fact that the shipper must go a distance of three or four thousand miles, take his witnesses, and employ attorneys, there is a denial of justice to him. Is that any more to be forgiven or forgotten than the fact that the

commission merchant may be compelled to go from his place of business?

Mr. KING. Mr. President, of course that is an appealing and plausible argument and has some strong moral grounds to rest upon; but proposed legislation must not envisage one situation only, it should comprehend various situations and meet fundamental questions and conditions. A cherished right under our theory of government is that a person has the right to demand that when sued, it shall be in his own vicinage, that the venue shall be laid where he resides. If a cause of action is alleged against a person the case must be tried in the jurisdiction where the default is alleged to have been committed. One of the complaints against King George was that he dragged persons across the ocean for trial.

Mr. BORAH. They did not have any contractual relations with the fellow who was dragging them.

Mr. KING. No; but a contract or a delict does not carry with it authority or power to be sued in some foreign jurisdiction or dragged thousands of miles from home for trial. There is serious question as to the constitutionality of a Federal statute that authorizes suit to be brought by a citizen, for instance of California, against a citizen of New York in the former State. Of course, if the citizen of New York were found in the State of California and summons was there served upon him the court would have jurisdiction over the defendant. In my opinion if the principle contended for by the Senator from Idaho is incorporated in this bill, namely, that suit may be brought in the Federal courts where the plaintiffs reside, against defendants residing in other States, it will be an obstacle to trade and commercial dealings between citizens of different States; between producers of fruits and vegetables and commission men and purchasers in other States. I concede that if a commission merchant in some remote State, who receives for sale commodities from a person in some other State, is dishonest and deals unfairly with the consignor, the latter may suffer great inconvenience and hardships in securing redress.

Many wholesale merchants and brokers ship their goods to retailers in distant States, and the latter are not always honest, and not infrequently violate their contracts and fail to make payments for the merchandise even after the same has been sold. If a suit is brought by the vendor, he has to seek redress where the delinquent resides. If I desire to make a contract with the Senator from Idaho and I lived in New York, I would understand that if he breached the contract I would have to seek relief in the courts of his State, and he would likewise understand that if I were guilty of default his cause of action would have to be tried where I reside.

But we are now to accept the view that suits between residents of different States can be brought in the Federal courts under the interstate-commerce provision of the Constitution, if by any theory the matter involved in the suit can be colored with an interstate dye, and the defendant be compelled to answer in the court where the suit is brought though it be thousands of miles from his domicile.

Mr. BORAH. Mr. President, suppose a commission merchant sends his agent to the State of Idaho or the State of Utah and makes a contract, he comes to the State for the purpose of carrying on his business, he selects that jurisdiction as a place to make his contract, to initiate his business. Is there anything so manifestly unjust, if that contract is violated, in providing that the place where it was made shall be the place it shall be adjudicated?

Mr. BLEASE. Mr. President, will the Senator from Idaho yield to me for a question?

Mr. BORAH. I yield.

Mr. BLEASE. Suppose, under the proposed licensing system, a broker should get a license and should say to the shipper that, instead of shipping to him, the broker, he must ship to himself, the shipper, and that when the goods arrived, for instance, in Washington from my State, then he, the broker, would act here only as the agent of the shipper. Is there anything in this bill that would protect the shipper under those circumstances?

Mr. BORAH. Of course that could not occur without the consent of the shipper.

Mr. BLEASE. I understand; but suppose there are three brokers here, or half a dozen, and they should agree among themselves that they would not handle produce, or have it shipped to them, except that the shipper from South Carolina, or from Idaho, for instance, should ship to himself. For instance, the Senator would ship to WILLIAM E. BORAH, at Washington, D. C., and the goods would be here for him, and the broker would simply be his agent, instead of acting as a broker.

Mr. BORAH. If I should make that kind of a contract, I would have to live up to it.

Mr. BLEASE. Suppose they should refuse to handle goods otherwise? Is there anything in this bill by which shippers could get any redress?

Mr. BORAH. No; under those circumstances I do not think the bill would cover the facts. The great, responsible commission merchants and their association are not finding fault with this bill to the extent which has been indicated in the debate here for the reason that the bill would never in any way injure them if they lived up to their contracts and dealt fairly with shippers.

I want to say, before I sit down, that I shall consider the matter which has been suggested to me by the Senator from North Carolina; indeed, I have had it under consideration since Friday. Of course I do not want to put anything in the bill which will affect its constitutionality, but if this legislation goes through I want it to be effective for the purpose of protecting the producer and the shipper.

Mr. OVERMAN. So do I.

Mr. BORAH. If it is not such a measure as would give them protection, I do not care to engage in the pastime of passing legislation designed to protect them but which would not do so.

Mr. WALSH of Montana. Mr. President, the discussion lately indulged in, precipitated by the Senator from North Carolina, is somewhat aside from the amendment pending before the Senate. Indeed, that has been disposed of. We acted upon it on Friday last. But I desire to say, in that connection, and particularly for the benefit of my friend the Senator from Utah, that the evil he sees is very much magnified.

In the first place, nearly all of those to be reached by this bill are corporations, and those corporations are doing business in the various States from which shipments are made. They have their agents there soliciting business. Under the laws of most States they are required to appoint agents in the States upon whom service or process can be made, and now in most of them, at least in many of them, their agents can be served in the States in which the corporations do business; that is to say, in the States in which the shipments originate. It is only those who, by some machination, are able to relieve themselves from the operation of the State laws requiring the appointment of agents there, who would fall under the provisions of this amendment.

Mr. KING. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. KING. The Senator may have more accurate information than I possess, but my understanding is that the overwhelming majority of the commission merchants of the United States do not have agents in all parts of the United States where they do business or from whom the fruits and vegetables handled by them are shipped. I know of commission merchants who receive commodities from States in which they do not reside and in which they do not have representatives. They secure patrons by advertising or because of their known character for fair dealing and integrity. One satisfied customer becomes an agent or missionary and brings other customers. The result is that thousands of commission merchants and dealers carry on extensive business undertakings without representatives in other States.

Mr. OVERMAN. Mr. President, may I say that I do not know of a single corporation doing a commission business in the purchase or sale of perishable products in my State. It is done by the little merchants who order a carload of melons from Georgia or a carload of beans from Florida, but there is no corporation there doing business that I know of, and I have never heard of one engaged in that business in my section. I ask my colleague if I am not correct.

Mr. SIMMONS. Mr. President, I think I can tell the Senator there are dozens of the small dealers right in my section of the State now, but I do not know about any corporations.

Mr. OVERMAN. I was referring particularly to corporations. Can the Senator tell me if he knows about any corporation?

Mr. SIMMONS. No; I do not know a thing about any corporations transacting a commission business down in our State.

Mr. OVERMAN. I do not know of one in North Carolina. That business is done by the small merchants who order a carload and distribute it out among the people. They are not corporations.

Mr. SIMMONS. What I meant to say to my colleague was that the common custom of the commission merchants soliciting business in that section of the country is to have somebody there at the time of the market for the purpose of soliciting shipments.

Mr. OVERMAN. But they are not corporations?

Mr. SIMMONS. No; not that I know of.

Mr. WALSH of Massachusetts. Mr. President, may I ask the Senator from Montana how many commission merchants

would be affected by this provision of the bill? I have heard that it is estimated there are 25,000. Does the Senator have any information on that matter?

Mr. WALSH of Montana. No; I have not. The principle of the amendment is by no means new. Exactly the same situation existed in connection with the transportation business, resulting in what is know as the Carmack amendment. Nearly all of the railroads taking shipments of goods across the continent or to any considerable distance, if the shipment was to go over some other or connecting line, would enter into a contract with the shipper to the effect that if the goods were lost or damaged en route the only action would lie against the railroad company on whose line the loss of damage occurred and not against the original company. For instance, if goods were shipped from Helena, Mont., by the Northern Pacific Railway to Boston, the goods would pass over the Northern Pacific to St. Paul, over the Wisconsin Central, the Chicago, Milwaukee & St. Paul or the Chicago & North Western to Chicago, over some other connecting line between Chicago and New York, and finally over the New York, New Haven & Hartford or some other New England road from New York to Boston; so that if the goods were lost or destroyed en route between New York and Boston the only thing the shipper in the State of Montana could do was to travel away off to the State of Connecticut or perhaps Rhode Island or Massachusetts and sue there.

But the Carmack amendment gave the right of action against the railroad company taking the original shipment notwithstanding such a provision in the contract. In other words, it compelled the railroad company to go to the point of shipment in order to make defense against the action. Of course, if the Northern Pacific under the circumstances I have indicated became liable it would have its action against the New York, New Haven & Hartford or whatever road was directly responsible for the loss, so that road, in order to protect itself, was obliged to travel to the city of Helena or some other point in Montana in order to defend the action. That legislation has been very generally approved and no one has undertaken to criticize it in any sense whatever. It is exactly the same here. That legislation was rendered necessary by circumstances similar to those which make imperative legislation of the character now before us.

Mr. SACKETT. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. GLENN in the chair). Does the Senator from Montana yield to the Senator from Kentucky?

Mr. WALSH of Montana. I yield.

Mr. SACKETT. In view of the fact that this does not change the venue for fresh fruits and vegetables, ought it not go further and change it for other products of the country like dairy products which are shipped from the several States?

Mr. KING. And for coal and cotton.

Mr. WALSH of Montana. That would really be aside from the purposes of the bill.

Mr. SACKETT. May I ask the Senator from Idaho if there has been any effort or suggestion made that dairy products should be included within the terms of the bill?

Mr. BORAH. We have confined the bill exclusively to fresh fruits and vegetables.

Mr. SACKETT. And yet they are subject to the same kind of consignment.

Mr. BORAH. Exactly; but fresh fruits and vegetables are upon a different basis.

Mr. SACKETT. The same criticism would be made on a shipment of cream and milk, which are perishable.

Mr. BORAH. The dairymen have not asked for it.

Mr. SACKETT. But in view of the fact that the bill gives the right to the producer, which is a valuable right to him in the way of change of venue, it seems to me that legislation ought to cover the dairymen as well.

Mr. BORAH. I would be willing to consider a bill of that kind, but I would not want to undertake to include all kinds of products in this bill.

Mr. SACKETT. In the section under discussion—section 3—occurs the term "fraudulent charge." Is that used synonymous with fee or does it mean "statement"?

Mr. BORAH. "Statement" and also "charge" would cover a fee or charge for services which were not rendered.

Mr. SACKETT. But any illegal fee as well?

Mr. BORAH. Yes.

Mr. SACKETT. The Senator thinks the word will cover the two classes?

Mr. BORAH. I think so.

Mr. SMITH. Mr. President, I have a communication from a party very much interested in the bill who has suggested that the word "charge" be eliminated and the word "representation" be substituted, but I understand the Senator from Idaho understands the word "charge" to mean any money charge.

Mr. BORAH. I would be willing to have it read "charge or representation."

Mr. SMITH. I think that word should be inserted so it would read "any fraudulent charge or representation." It is not necessary for me to enlarge on that point, but just to call attention to the fact that it does not quite cover the case.

Mr. BORAH. When we come to it I will have it changed.

Mr. COPELAND. Mr. President, it seems to me that what is good for the goose is good for the gander. If I understand the present situation, the Senator from Idaho has accepted the amendment proposed by the Senator from Montana and that the licensing plan shall not apply to small shippers. Am I right in that understanding?

Mr. BORAH. I have accepted it, but it has not been acted on yet.

Mr. COPELAND. I want to speak against it before it is acted upon.

The bill, on page 3, describes "unfair conduct." It says that it shall be unlawful "for any commission merchant, dealer, or broker to make, for a fraudulent purpose, any false or misleading statement concerning the condition, quality, quantity, or disposition of, or the condition of the market for, any perishable agricultural commodity," and so forth; but if the amendment is accepted it means that it is unlawful for any licensed person, commission merchant, dealer, or broker to make a statement for a fraudulent purpose, but it is not unlawful for the small shipper to make any such statement.

Mr. WALSH of Montana. I spoke to the Senator from Idaho about it and was going to propose to him that I would like to subject anyone who makes a fraudulent statement about these matters to the penalties of the law, so I am going to suggest that in line 18, page 3, we should strike out the words "commission merchant, dealer, or broker" and insert the word "person," so it would read: "for any person to make, for a fraudulent purpose, any false or misleading statement," and so forth.

Mr. COPELAND. I would like to inquire if that would be satisfactory to the Senator from Idaho.

Mr. BORAH. I apologize. I was interrupted at the moment and did not hear the Senators suggestion.

Mr. WALSH of Montana. The Senator from New York referred to the provision in section 3 and called attention to the fact that in line 18 it is provided that it shall be unlawful "for any commission merchant, dealer, or broker to make, for a fraudulent purpose, any false or misleading statement," but that the implication is that it is not unlawful for a shipper or producer to make any unlawful statement. I said to him that I had thought of suggesting to the Senator in charge of the bill that the words "commission merchant, dealer, or broker" be stricken out and the word "person" inserted.

Mr. BORAH. I would prefer to have it read "for any commission merchant, dealer, broker, or producer to make, for a fraudulent purpose, any false or misleading statement," and so forth.

Mr. COPELAND. Or shipper.

Mr. BORAH. Or shipper.

Mr. COPELAND. That would satisfy my objection.

Mr. KING. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Utah?

Mr. COPELAND. I yield.

Mr. KING. Then the Senators from New York, Idaho, and Montana, to be consistent, ought to be willing to support a measure providing that any person who makes any false statement or fraudulent representation respecting any matter relating to an interstate transaction should be subject to Federal punishment. Under this view, Federal laws are to govern and control substantially all the activities of the people, and take the place——

Mr. COPELAND. Of the Ten Commandments?

Mr. KING. Yes; of the Ten Commandments; and all of the reserved powers of the States, including their police powers. The interstate-commerce clause of the Constitution is being perverted and prostituted, and used as a bulwark behind which the opponents of individual rights, as well as the rights of the sovereign States, organize their forces to project measures and policies which will materially modify our form of Government. That the States are being undermined by these attacks is obvious to every student of public affairs. We are rapidly advancing toward a nationalistic bureaucracy and Federal paternalism, which challenge the form of Government set up by the fathers, and the democratic institutions under which our liberties have been preserved. Functions and duties of the

States are being performed by the Federal Government, and nearly every phase of individual and community life is being effected or controlled by Federal authority and by the ever-increasing Federal bureaus and agencies and their armies of Federal employees. Congress multiplies Federal statutes which create numerous offenses and commit to bureaus and Federal organizations authority to promulgate rules and regulations for the violation of which severe penalties are prescribed. Federal penal codes are being enacted which traverse ground covered by State statutes.

More and more the National Government is taking over control of business and providing regulations for every form of industry. By this bill we are to license all who produce fruits and vegetables and sell and dispose of the same, and all those who act as dealers or commission merchants or handle such products in their journey from mother earth to the ultimate consumer. And the bill as drawn requires the producer, if he sells in interstate channels a carload or more of his own products, to apply to a Federal bureaucrat in Washington for a license to sell his own products; and the person to whom he sells his fruits or vegetables residing outside the State in which the vendor lives must procure a license from this same Federal authority and be subjected to greater or less restrictions imposed by the Secretary of Agriculture. And the retailer who has a large circle of patrons, who, to supply their wants, procures a carload of fresh fruits or vegetables in a neighboring State, must obtain a Federal license under penalty of fine if he fails so to do. The bill provides machinery to deal with the tens of thousands who produce and buy and sell fruits and vegetables, and, of course, this machinery must be controlled and operated by a mighty host of Federal employees.

And, of course, under this construction of the interstate-commerce clause, and in view of this national paternalistic policy, other branches of trade and industry will be brought under Federal surveillance and control. May we not expect, sooner or later, Federal laws requiring licenses in order that citizens may pass from one State to another?

Mr. President, there has been much injurious legislation in this and other countries enacted to meet an unsatisfactory situation, but the evil effects thereof have far outweighed the benefits derived. And such legislation has been used as a precedent for additional enactments which have been followed by still greater evils. Legislation which encroaches upon individual rights or local self-government or fosters bureaucracy or strengthens the hands of a powerful central government should be looked upon with distrust. Now, when socialistic heresies and national paternalism are finding growing support there should be a challenge to every measure and every policy which undermines the States and destroys individualism. Let us preserve the States in all of their vigor, and deny to the Federal Government the right to exercise any authority which has not been committed to it and which, if committed, it is essential that it should exercise in the interest of the people and for the preservation of the Government. The States under their police powers can and will deal with many of these questions which are now being dealt with by the Federal Government.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Idaho?

Mr. COPELAND. In just a moment I will yield. I assume from what my friend from Utah says that he does not believe we can make the people good by the enactment of law.

Mr. BORAH. No; but we can establish a basis for contract and liability.

Mr. KING. Mr. President, I have no doubt that punitive statutes do have some effect upon our conduct, but I still believe in State rights and in individual rights. I know it is a very unpopular view for anyone to express in this body or perhaps elsewhere. If the States are to be submerged, and we are to turn over to bureaucrats here in Washington, to the Federal Government, and to six hundred or seven hundred thousand Federal employees—they will soon be multiplied to double that number—the lives, fortunes, and business activities of the people of the United States, instead of having sovereign States we shall have mere geographical expressions, all of the people and all of the States being under the dominant control of a powerful despot functioning here in Washington.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Idaho?

Mr. COPELAND. I yield.

Mr. BORAH. As I understood the Senator from New York, he would be satisfied with the insertion of the words "producer or shipper" after the word "broker" in lines 18 and 19?

Mr. COPELAND. I shall be satisfied, so far as that section is concerned.

Mr. BORAH. Of course, I did not expect the Senator to be entirely satisfied.

Mr. COPELAND. No; that perhaps would be impossible when this particular bill is pending.

Mr. BORAH. Yes; I have no doubt of that.

Mr. COPELAND. However, I think the addition of those words will make the bill better; but I am not quite through.

Mr. BORAH. I hope that this amendment may be now acted on, unless the Senator from New York wishes to object to it.

Mr. COPELAND. No.

The VICE PRESIDENT. Will the Senator state the amendment?

Mr. WALSH of Montana. There is an amendment already pending, is there not?

The VICE PRESIDENT. There is a pending amendment, but this amendment may be adopted by unanimous consent.

Mr. WALSH of Montana. I take it, then, that the discussion on the amendment has been concluded?

Mr. COPELAND. The Senator from Montana refers to the amendment releasing the small producers from the license requirement, does he?

Mr. WALSH of Montana. Releasing both the large and the small producers from the license requirement.

Mr. COPELAND. I should like to say something about that, but I am perfectly willing to have the other amendment adopted.

The VICE PRESIDENT. That amendment may be offered later. The Senator from New York has the floor.

Mr. COPELAND. Mr. President, once more I wish to say that I think it would be not only unfair but unwise to accept the amendment proposed by the Senator from Montana [Mr. WALSH]. The Senator from Idaho [Mr. BORAH] may doubt it, but I am anxious to have the producers of the country benefited; I think I have shown that disposition on occasions when I have voted for various farm measures which have been introduced here; but it is my opinion that the adoption of the amendment would be very harmful to the small shippers because, just as sure as fate, the licensed commission merchants of the cities will not buy perishables from the unlicensed shippers of the country. Why should they do so?

There is not a section of the country where there are not brokers who are willing to become licensed under the provisions of this bill if it shall become a law. They then immediately become responsible and responsive to all the provisions of the proposed act, including the same penalty which may be inflicted upon the commission merchant in the city, the great penalty of the revocation of his license. I know how valuable such licenses are. Take the city of New York: A man who has a license to operate a chicken slaughterhouse or a creamery or to engage in any trade which is licensed has in that license a very valuable possession involving the right to do business in that particular line. So when a commission house is licensed it will prize the fact that it is licensed, and it will fear the effect of the violation of the conditions under which that license may be kept, because this bill places arbitrary power in the hands of the Secretary of Agriculture to cancel the license if the terms of the proposed law shall be violated.

The commission merchant is not going to deal with an irresponsible, unlicensed, fly-by-night producer or shipper in the country, because if such person in the country makes false representations or fraudulent statements and sends his products on, what is the penalty? There is not any penalty in the world imposed on him. There is not any recourse on the part of the commission merchant; there is no mutuality in the arrangement at all; it is utterly unfair and one-sided.

However, beyond that it would be unwise for the shippers in the country to accept a provision of that character, because it would mean that the brokers in the country, who are recognized by the Secretary of Agriculture and licensed by him, will get the business; and so the country shipper who is unlicensed will be just as much at the mercy of the broker, of the commission merchant, as he is at present. I can see no reason why, the Senator from Montana being willing to reduce the license fee to $1, any honest man in the country should not be willing to take out a license and thus bring himself under the penalties as well as the benefits of the law. There are many benefits in the law. It is not alone that there will be a club held over the commission merchant, preventing him from indecently and unlawfully and wrongfully dumping goods which are susceptible of being sold at a fair price, but also this bill, if it should become a law, would make the Secretary of Agriculture a collecting agent, because on page 9, in subdivision b, it is provided:

If any commission merchant, dealer, or broker does not comply with an order for the payment of money—

Then a certain procedure may be taken which will end ultimately in the revocation of his license. So, Mr. President, I do not see that this bill, as now framed, is fair to the producer.

There are certain things I want to say, and perhaps I will say them now, since I am on my feet, about section 7 on page 6.

Mr. GLENN. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Illinois?

Mr. COPELAND. I do.

Mr. GLENN. I am just wondering what character of injury the Senator fears the producer might inflict upon the commission merchant. I wonder what the Senator has in mind as to what may happen.

Mr. COPELAND. A producer can write a commission man in New York and say, "I have half a carload or a carload of the finest watermelons ever produced; every one of them weighs 40 pounds; it is red and luscious in the interior; it has a most delicious champagne flavor and is in every way the finest melon ever produced." He can ship them on to the innocent commission man on the Bowery in New York, who has no recourse against the untruthful gentleman living somewhere in the country. If the watermelons so represented were shipped by a broker in Peoria, Ill., and did not measure up to the statements and recommendations made of them, a complaint of the commission merchant in New York to the Secretary of Agriculture would result in the revocation of the license of the Peoria man.

Mr. GLENN. But what happens to that carload of watermelons when they get to New York? The commission merchant examines them, sells them, takes out his commission, and remits to the producer, does he not? So if they are not good the consumer suffers, and not the commission merchant.

Mr. COPELAND. This is what happens: The honest commission man in New York receiving the watermelons proceeds to discard, dump, and destroy them. They are put on the dump over in Flushing. That is what he does with them. Then the man back in Peoria makes complaint to the Secretary of Agriculture at any time within nine months. When the transaction has been entirely forgotten by everybody concerned in New York the Peoria man appears before the Secretary of Agriculture and says, "This New York commission merchant has robbed me." That is what happens. If the man in Peoria, the shipper in Peoria, is licensed——

Mr. GLENN. Let us pursue the first suggestion a little farther.

Mr. COPELAND. Very well.

Mr. GLENN. Before anything happens to the commission merchant the producer, under this bill, must prove that the commission merchant has dumped the products without reasonable cause, has he not? He has to show that before there is any recourse?

Mr. COPELAND. The burden of proof is on him, but he can do that as late as 8 months and 29 days after the transaction has taken place.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Idaho?

Mr. COPELAND. I yield.

Mr. BORAH. The bill provides that the commission merchant, dealer, and so forth, shall keep a record and memorandum of his transactions. So he has his record complete, and a man shipping from a distance is wholly at his mercy.

Mr. COPELAND. If he is a licensed commission man, I assume from section 4 of the bill that the Secretary of Agriculture is going to determine what sort of person he is. The Secretary is going to determine the question, Is he equipped to do this business; is he morally equipped to do it? Subsection (b) of section 4 provides:

> The Secretary may by regulation prescribe the information to be contained in such application.

I have seen thousands of such applications, and in connection with them all manner of questions are asked; such, for instance, as, Have you ever been arrested? Have you ever been sued for nonpayment of debt? All sorts of questions are asked, so that before a man gets a license under this bill he will be very well indorsed by his community and by those who surround him.

Mr. BORAH. I am afraid not.

Mr. COPELAND. Then the bill is not any good. I hope what I have suggested is true; otherwise, what is the use of having a bill if we are not going to make it worth while? The purpose of this bill, as I understand, is to do away with dishonest trading, to do away with fraudulent acts which are familiar to everybody who knows anything about the business. That is exactly what is written in the bill, that the commission merchant, dealer, or broker without a license can not transact business; that any person desiring to have a license shall make application to the Secretary, and "the Secretary may by regulation prescribe the information to be contained in such application."

The Secretary can go just as far as he likes with it, and he should do that if this bill is going to be of any value whatever to the public. In order to make certain that men engaged in the industry are honest and honorable men, those questions are going to be asked. We do not have to have any laws or any licenses to protect society against honest men. That is not the purpose of this bill. The Senator from Idaho has no thought in his mind about the honorable, upright man in the industry. He is thinking about those who are given to fraudulent acts and to dishonest practices. That is the purpose of the bill; and if we propose to pass any such bill, we should pass one which will guarantee the public against fraudulent acts which are notorious in certain quarters.

Now, Mr. President, referring once more to section 7, I think the time limit is entirely too long. Would not the Senator from Idaho be willing to reduce the number of months to three?

Mr. BORAH. When we dispose of other matters, I am willing to make a reduction, but not quite as much as the Senator suggests.

Mr. COPELAND. Very well. Then I think, Mr. President, so far as I am concerned, I have said all I care to say at this time, except to make a brief reference to subsection (b).

Mr. WALSH of Montana. Will not the Senator defer that until we can dispose of the pending amendment? There is another matter to which I wish to call attention.

Mr. COPELAND. I will be very glad to do so.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Montana.

The amendment was agreed to.

Mr. WALSH of Montana. Mr. President, I desire to call the attention of the Senator to another provision of the bill at the top of page 6. Perhaps this will interest the Senator from New York. This is a continuation of section 6, beginning at the bottom of page 5:

> (a) If any commission merchant, dealer, or broker violates any provision of section 3 he shall be liable to the person or persons injured thereby for the full amount of damages sustained in consequence of such violation.

The next subsection prescribes how that liability shall be enforced:

> (b) Such liability may be enforced either (1) by complaint to the Secretary as hereinafter provided, or (2) by suit in any district court of the United States of competent jurisdiction; but this section shall not in any way abridge or alter the remedies now existing at common law or by statute, and the provisions of this act are in addition to such remedies.

On page 9, subdivision (b), provision is made for recourse not only to the Federal court, as provided in subdivision (b) of section 6, but for recourse to the State court. It reads:

> (b) If any commission merchant, dealer, or broker does not comply with an order for the payment of money within the time limit in such order, the complainant, or any person for whose benefit such order was made, may within one year of the date of the order file in the district court of the United States for the district in which he resides or in which is located the principal place of business of the commission merchant, dealer, or broker—

With the amendment heretofore agreed to—

> in which case service may be made on the defendant in any State in the United States, or in any State court having general jurisdiction of the parties, a petition setting forth briefly the causes for which he claims damages and the order of the Secretary in the premises.

I quite approve of the provision in section 10, page 9, by which the order may be enforced by proceedings either in the Federal court or in the State court; but under subdivision (b) of section 6 resort must be had only to the United States court. I see no reason why that should be the case; and I accordingly move——

Mr. COPELAND. Mr. President, just a moment before the Senator does that. What about subsection (d), page 11, of section 13?

Mr. WALSH of Montana. That refers to another matter. I shall be glad to refer to that directly.

Mr. COPELAND. Very well.

Mr. WALSH of Montana. I accordingly move, Mr. President, to amend in line 3, page 6, by striking out the word "district" and the words "of the United States," so that it shall read:

> By suit in any court of competent jurisdiction.

Mr. BORAH. Mr. President, I think that amendment should be accepted. It harmonizes with the other provision of the bill.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. WALSH of Montana. Now, I desire to make another suggestion, Mr. President. After that portion of subdivision (b) of section 10 which I have read occurs the following:

Such suit in the district court—

That is, the district court of the United States—

shall proceed in all respects like other civil suits for damages except that the findings and orders of the Secretary shall be prima facie evidence of the facts therein stated, and the petitioner shall not be liable for costs in the district court nor for costs at any subsequent state of the proceedings unless they accrue upon his appeal. If the petitioner finally prevails, he shall be allowed a reasonable attorney's fee, to be taxed and collected as a part of the costs of the suit.

Observe that that paragraph applies only to the suit in the United States district court. It does not apply if the suit is brought in a State court. Now, I apprehend that perhaps in framing the bill it was considered beyond the power of Congress to prescribe what the rule of evidence shall be in the State courts, or in what particular cases costs shall be allowed, or in what particular cases attorneys' fees shall be allowed; but the bill does proceed upon the theory, which I have no doubt is sound, that these liabilities created by a Federal statute may be enforced in a State court. We have many instances of that character. The liabilities imposed by the workmen's compensation acts, although created by a Federal court, are enforceable in a State court. If the provision to which I have last referred—the concluding portion of that paragraph—could be made applicable to the State courts, I should like to see it done; and that would be accomplished by cutting out the words "in the district court" in lines 21 and 22, so that it would read:

Such suit shall proceed in all respects like other civil suits for damages—

And so forth.

Mr. BORAH. The only question which arises is whether or not that is a sound proposition—that is to say, legally. Can we do that?

Mr. WALSH of Montana. Suppose that amendment were adopted; then it would become a matter of construction as to whether it could be done or not. I am not prepared to say. I suggest the matter to the Senator, and perhaps he can give it further thought, and the matter can be referred to again in the Senate.

Mr. BORAH. Very well.

Mr. WALSH of Montana. Mr. President, I said that I should refer to subdivision (d) of section 13. That refers to the case of disobedience to a subpœna of the Secretary or any of his examiners. He may subpœna witnesses in order to ascertain the facts in relation to any complaint, and so on.

I am inclined to think that there may be very grave doubt as to whether the Congress could invest the State courts with power to issue subpœnas of that character. Of course, the Congress has invested in the State courts for a long time the power to grant naturalization papers and to discharge other duties; but I apprehend that there is a limit to the power of the Congress to authorize State courts to act in these matters.

Mr. COPELAND. Mr. President, may I ask the Senator a question? Does this mean that a court in New York could compel the attendance of a small broker in Georgia, or Florida, or Montana, or Idaho?

Mr. WALSH of Montana. I think not. I believe that the general statute concerning witnesses would be applicable. That statute provides that a witness can not be compelled to attend outside of the district in which he resides if it is more than 100 miles from the place of his residence; and I have no doubt that that statute would apply here. We have been considering the question as to whether that statute might not very properly be amended so as to authorize the district judge, upon petition, to direct the service of subpœnas anywhere within the United States upon a showing of necessity; but we have never enacted such a law. The law as it now exists is as I have stated.

Mr. COPELAND. There is a possibility, however, I take it, that this provision might be interpreted to mean that these witnesses could be brought in from any part of the United States.

Mr. WALSH of Montana. No.

Mr. BORAH. Not without additional legislation.

Mr. WALSH of Montana. No; I feel very certain that the general statute in relation to that matter would govern.

Mr. BORAH. Mr. President, on page 3, lines 18 and 19, after the word "broker," I propose to insert the words "producer or shipper."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. BORAH. And on page 4, in line 19, strike out the figures "$10" and insert "$1."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. BORAH. On page 6, section 7, line 11, I suggest that in lieu of the word "nine" we insert "five." That refers to the length of time within which application may be made to the Secretary.

Mr. COPELAND. Why not "three"?

Mr. BORAH. Considering the distance the producer is from the place where the commission merchant is located, I think that is rather short.

Mr. COPELAND. Then let us compromise on "four."

Mr. BORAH. Very well.

The VICE PRESIDENT. The Senator from Idaho offers an amendment, in line 11, page 6, changing the word "nine" to "four." Is there objection? The Chair hears none, and the amendment is agreed to.

Mr. KENDRICK. Mr. President, I desire to ask the Senator from Idaho whether amendments are in order at this time?

Mr. BORAH. They are.

The VICE PRESIDENT. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. KENDRICK. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. It is proposed to insert the following as a new section, to be numbered "14" and to renumber the succeeding sections "15," "16," and "17," respectively:

SEC. 14. The Secretary is hereby authorized, independently and in cooperation with other branches of the Government, State agencies, and/or any person, whether operating in one or more jurisdictions, to employ and/or license inspectors to inspect and certify, without regard to the filing of a complaint under this act, to any interested person the class, quality, and/or condition of any lot of any perishable agricultural commodity when offered for interstate or foreign shipment or when received at places where the Secretary shall find it practicable to provide such service, under such rules and regulations as he may prescribe, including the payment of such fees and expenses as will be reasonable and as nearly as may be to cover the cost for the service rendered: *Provided*, That fees for inspections made by a licensed inspector, less the percentage thereof which he is allowed by the terms of his contract of employment with the Secretary as compensation for his services, shall be deposited into the Treasury of the United States as miscellaneous receipts; and fees for inspections made by an inspector acting under a cooperative agreement with a State, municipality, or other person shall be disposed of in accordance with the terms of such agreement: *Provided further*, That expenses for travel and subsistence incurred by inspectors shall be paid by the applicant for inspection to the disbursing clerk of the United States Department of Agriculture to be credited to the appropriation for carrying out the purposes of this act: *And provided further*, That certificates issued by such inspectors shall be received in all courts of the United States as prima facie evidence of the truth of the statements therein contained.

Mr. KENDRICK. Mr. President, this amendment would authorize in permanent legislation the inspection service now conducted by the Bureau of Markets under authority provided from year to year in the annual appropriation act. It would also provide for inspection in small markets which can not now be covered with existing facilities. The bureau now maintains salaried inspectors of fruits and vegetables in 40 of the important terminal markets. These inspectors are available upon request of the shipper or receiver or other interested person to inspect and certify as to the grade or condition of fruits and vegetables. The inspection service under the bureau can easily be made available for the bill now under consideration should it become a law.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Wyoming yield to the Senator from Idaho?

Mr. KENDRICK. I do.

Mr. BORAH. May I ask the Senator what additional charge or expense—what additional agents and inspectors—this amendment would be likely to require?

Mr. KENDRICK. The same corps of inspectors under the present law would be employed under the proposed law and the only additional cost would be incurred for inspection in small markets and out-of-the-way places where, in some instances no doubt, it would be necessary to either employ an inspector for

that particular emergency or in lieu thereof to send an inspector on request from one of the terminal markets. In either event there would undoubtedly be some slight additional cost to cover traveling expenses. From my understanding of the provisions of the amendment, the purpose is to authorize the Secretary to arrange for inspection where it is asked for in out-of-the-way places. The language of the amendment is broad enough to take care of that.

Mr. BORAH. Will this amendment result in incurring any additional expense, except for the possibility of establishing inspectors in out-of-the-way places where there are none now?

Mr. KENDRICK. It would not.

Mr. BORAH. Mr. President, in what respect does this amendment differ from these provisions which the Senator says have been incorporated in appropriation bills?

Mr. KENDRICK. In the main, it grants the Secretary additional authority to employ other inspectors where there are none available at the present time.

Mr. COPELAND. Mr. President, may I ask the Senator if he would be willing to change the language where it says "Government, State agencies, and/or any person," so as to read "Government, State, or municipal agencies," and also where it says "agreement with a State," to add the word "municipality," for the reason that the city of New York, for instance, has milk inspectors who go out through the country districts? They might, under an arrangement of this sort, add this duty to their other duties.

Mr. KENDRICK. My impression is that such inclusion would be unnecessary, because in all of the large cities there is a force of Government inspectors maintained at the present time. If I am not mistaken, there are 10 in the city of New York.

Mr. COPELAND. The Senator has this in mind, however, that he is seeking to cover out-of-the-way places, not the cities.

Mr. KENDRICK. Yes.

Mr. COPELAND. It so happens that we have here in the city of Washington country milk inspectors, who go out through Maryland and Virginia to inspect dairies. They are experts in food supervision, and they might very well, if an arrangement could be made, add this particular thing to their other duties.

Mr. KENDRICK. I think the inclusion of those words would not in any way modify or change the meaning of the amendment.

Mr. COPELAND. Does the Senator accept it?

Mr. KENDRICK. Yes; I will accept the modification.

The VICE PRESIDENT. Does the Senator modify the amendment so as to include the suggestion of the Senator from New York?

Mr. KENDRICK. I do.

The VICE PRESIDENT. The question is on agreeing to the amendment as modified.

Mr. PHIPPS. Mr. President, at least for the purpose of discussion, I send to the desk an amendment which I offer as a substitute for the pending amendment.

The VICE PRESIDENT. The Secretary will report the amendment.

The LEGISLATIVE CLERK. On page 4, line 4, at the end of section 3, add a new paragraph as follows:

> Whenever upon the arrival of a shipment of agricultural produce in interstate or foreign commerce it appears that such produce is not in marketable condition, it shall be the duty of the consignee to notify promptly the inspector of agricultural products for the district and request an inspection of same. If no such inspector has been appointed the mayor of the town or city shall be notified. It shall also be the duty of the consignee to notify the shipper by telegraph that the shipment has arrived in bad condition.

The VICE PRESIDENT. The Senator from Colorado proposes that as a substitute for the amendment proposed by the Senator from Wyoming?

Mr. PHIPPS. I do. It seemed to me that where disputes are likely to arise, the best evidence of a well-grounded complaint is the report of an inspector who has examined the goods in question. This bill applies solely to carload shipments, and carload shipments of perishable agricultural products are sent only to communities where, as a rule, there is a qualified inspector maintained by the municipality or the State, or by the Department of Agriculture.

The consignee who finds goods to be in bad condition should, I think, call for proof which could be given by an inspector. He notifies the inspector, he also notifies the shipper, and that puts the shipper on notice, so that if he has a correspondent or friend at the point of destination he can be called in, but as a shipper, knowing the law, he will know that it was the duty of the consignee to call for an inspection, and even in the absence of a qualified inspector, to call the attention of the mayor of the community to the condition of the shipment.

Mr. COPELAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from New York?

Mr. PHIPPS. I yield.

Mr. COPELAND. It would seem to me that instead of proposing it as a substitute for the amendment offered by the Senator from Wyoming, it should be offered as an amendment to his amendment, or as a separate amendment to the bill, because the amendment of the Senator from Wyoming provides for another work, a work in the country, where there is to be work done by the inspectors, and not after the receipt of the product in the cities. Am I not right about that?

Mr. KENDRICK. The Government, through the Bureau of Markets, at the present time has a competent force of inspectors in as many as 40 municipal markets. During the fiscal year of 1928 this force inspected 32,000 carloads of fruits and vegetables. In addition to the inspection service referred to in the terminal markets, the bureau is cooperating with 38 States in the inspection of fruits and vegetables at points of shipment. During the fiscal year of 1928 more than 210,000 cars of fruits and vegetables were inspected under cooperative agreements with the States. This service is growing rapidly. I am informed by the bureau that the inspectors at points of shipment are not salaried employees of the department but are employed by the States and paid from the fees collected for inspections. The proposed amendment would enable the Secretary of Agriculture to issue licenses to competent persons at any point where an inspection might be necessary and where a suitable cooperative arrangement could not be made with State officials. In such cases the Secretary of Agriculture would be authorized to permit the licensee to be compensated for his services from the fee charged to the applicant. That seems to be the only possible arrangement that can be made for providing inspection facilities in small markets where the number of inspections would be too small to justify payment of the salary of a Government representative.

Mr. PHIPPS. Mr. President, my objection to the amendment as proposed by the Senator from Wyoming lies in the fact that it would call for the employment of additional inspectors, and in districts where only occasionally or rarely would there be a shipment of a carload of perishable agricultural products. It seemed to me that in a case of that kind, where there is no qualified inspector located there, then the mayor of the community could be called upon, the idea being that no claim of bad condition should be filed by the consignee unless he backed it up by some proof taken at the time of the arrival of the shipment, and also that he notify the shipper that the goods have arrived in bad condition.

Mr. DILL. Mr. President, will the Senator yield?

Mr. PHIPPS. I yield.

Mr. DILL. I think the point of the Senator from New York is well taken. This amendment provides for inspection when any perishable article is offered for interstate transit. The amendment of the Senator from Colorado applies to the time when the traffic is received. The amendments do not cover the same thing. This amendment says, "when offered for interstate or foreign shipment." The amendment of the Senator goes only to the time when the shipment is received.

Mr. PHIPPS. That is correct.

Mr. DILL. So that the amendment of the Senator from Colorado would have the effect of doing away with inspection at the point of shipment, and requiring it only at the point of reception.

Mr. PHIPPS. If the proponent of the pending amendment is unwilling to accept this as a substitute, I shall withdraw it, and offer it later as a separate amendment.

The VICE PRESIDENT. The Senator withdraws his amendment. The question is on agreeing to the amendment proposed by the Senator from Wyoming.

Mr. KENDRICK. Mr. President, I want to state again that it will be recalled that when the bill was under discussion on Thursday, I think it was, I suggested the necessity, where commodities reached the market in damaged condition, of having an authorized agent, who was unbiased in his judgment, pass upon and determine the actual condition of the commodity. With that idea in mind it occurred to me that the Bureau of Markets, which will have the administration of the law, would exercise the best judgment as to the form of amendment required to provide such authority. With this thought in mind I have asked the advice of the bureau and the amendment as proposed is substantially as recommended by the bureau.

Mr. DILL. Mr. President, will the Senator yield?

Mr. KENDRICK. I yield.

Mr. DILL. If I understand the amendment of the Senator from Wyoming, it proposes to have these inspectors do their

work and grant their certificates both at the point of shipment and at the point of reception, while the amendment of the Senator from Colorado applies only to the point of reception.

Mr. KENDRICK. That is correct.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wyoming [Mr. KENDRICK].

The amendment was agreed to.

Mr. PHIPPS. Mr. President, I reoffer the amendment which was reported before.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 4, line 4, at the end of section 3, add a new paragraph, as follows:

Whenever upon the arrival of a shipment of agricultural produce in interstate or foreign commerce it appears that such produce is not in marketable condition, it shall be the duty of the consignee to notify promptly the inspector of agricultural products for the district and request an inspection of the same. If no such inspector has been appointed, the mayor of the town or city shall be notified. It shall also be the duty of the consignee to notify the shipper by telegraph that the shipment has arrived in bad condition.

Mr. PHIPPS. I think I have sufficiently explained the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Colorado.

The amendment was agreed to.

Mr. BORAH. Mr. President, I want to recur to the amendment on page 9, which was adopted on Friday with reference to the service of summons, and ask the clerk to read it.

The VICE PRESIDENT. The clerk will read the amendment.

The LEGISLATIVE CLERK. On page 9, line 18, after the word "broker," insert the words "in which case service may be made on the defendant in any State of the United States."

Mr. BORAH. I ask unanimous consent for the reconsideration of the vote by which that amendment was agreed to.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the vote is reconsidered.

Mr. BORAH. I ask that that amendment be rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment just stated.

The amendment was rejected.

Mr. HARRIS. Mr. President, I send to the desk a telegram from the commissioner of agriculture of my State, which I ask to have read.

The VICE PRESIDENT. The clerk will read.

The legislative clerk read the telegram, as follows:

ATLANTA, GA., *June 3, 1929.*

Senator WILLIAM J. HARRIS:

Borah bill in the Senate to suppress unfair and fraudulent practice in marketing perishable commodities will be great help to southern agriculture. Please support same if consistent with your views.

EUGENE TALMADGE,
Commissioner of Agriculture.

Mr. HARRIS. Mr. President, the fruit, vegetable, and melon growers of my State have been swindled out of millions of dollars by the commission merchants in New York, Chicago, and other large cities, because there was no such law on the statute books as this proposed by the Senator from Idaho [Mr. BORAH]. I know this measure will help the farmers of my State and adjoining States.

When a farmer ships his fruits, vegetables, melons, and other farm products to commission merchants in the cities, this law, if passed, will make them deal honestly or they will be punished and put out of business. The commission men make more profit, at times, in handling a carload of farm products in a day than the farmer makes profits, working all the year, in raising the crop. We must arrange to do away with the expensive middleman, so that the farmer may get more for his products, and the consumer will pay only a reasonable price.

This special session of Congress was called to give farm relief, and I believe that this should include everything that will help the farmers.

I have urged that this session should dispose of the Muscle Shoals development, which will do more to help the farmers of the Southeast than all the other things suggested. If the farmers could get cheaper fertilizer, they would be able to raise their crops at less expense, they could make more profit, and our section would be more prosperous. However, I regret that the Republican leaders are not willing that Muscle Shoals be considered at this session.

The next important matter for the farmers in my section is the export debenture plan, a part of the farm relief bill, which would practically guarantee every cotton producer 2 cents per pound as a bounty. Many Republican leaders oppose the export debenture plan granting a bounty for cotton, and I can not understand why they are willing to discriminate against the farmer. Under the Esch-Cummins bill the Government fixes a rate that practically guarantees dividends on all railroad properties. The Adamson Act was passed to help railroad employees. The high protective tariff gives the manufacturers of the United States several times as much profit as farmers would get under the 2-cent per pound bounty. The Post Office Department pays more than $100,000,000 per year for carrying mail than the Government receives for this service. Why should the farmers be the only ones that are not given some special assistance by the Government?

The farm relief bill without the debenture will give the farmers very little relief, and the tariff bill as passed by the Republicans in the House will tax the farmer several times as much as he derives from the farm relief bill unless we include the debenture giving the farmer 2 cents per pound on his cotton.

I regret very much that President Hoover opposed the debenture. One of the reasons he gave for opposing it was that it would raise the price of cotton and other products, thereby encouraging larger crops to be made. The object of this legislation should be to help the farmer get a better price for his products.

The high protective tariff will also encourage manufacturers to make more, and yet the President does not object to that.

The debenture plan giving the farmers 2 cents per pound on their cotton is the only thing that will help the southern farmers like the manufacturers are helped under the tariff.

Mr. President, the amendment I proposed to the farm bill, if enacted into law, will save the cotton farmers millions of dollars and will prevent what happened about two years ago when employees of the Agricultural Department, without authority of law, predicted that the price of cotton would be lower. That statement caused cotton farmers in one day to lose in value $60,000,000. Under my amendment an employee would be fined and sent to prison if he gave such a statement.

Mr. COPELAND. Mr. President, was the amendment proposing to relieve the small shippers of the necessity of taking out licenses agreed to?

Mr. BORAH. Yes.

Mr. BLEASE. Mr. President, I would like to have the information, if the Senator from Georgia [Mr. HARRIS] or the Senator from Virginia [Mr. SWANSON] has it, as to whether the commissioners of agriculture who sent the two telegrams which have been read at the desk sent them at the request of some one else, or if they are sufficiently familiar with the provisions of the bill to justify them in saying that it will be of great interest and benefit to southern agriculture.

Mr. HARRIS. Mr. President, the agricultural commissioner of my State is a man who has shown that he is interested in the farmers' needs. I am sure he would not have sent the message unless he felt sure it would help the farmers.

Mr. BLEASE. I am glad to hear that. I still hold to the opinion which I have heretofore expressed with reference to this farm-relief business. I think the bill now before us should have some provision in it to give truck growers relief along another line and that is relief in the matter of railroad and express rates.

I received a communication last Friday or Saturday from a newspaper asking my opinion in reference to another matter in connection with railroads. I have replied that that question so far as I was concerned did not apply to me, and that I thought each individual Senator should answer in his own way as to whether the question applied to him, but that I thought a more serious question was the appointing of Federal judges from amongst corporation lawyers only, the appointing of Federal judges from among lawyers who represent great corporate interests or who owned great corporate interests, thus placing them on the bench to pass upon questions or differences arising between the people and the corporations which they have sometime represented or in which they have stock.

I believe the bill now before us should include something with reference to a reduction of railroad and express rates, and that that would do more good and give more relief to the farmers of the country than the bill which passed the Senate some days ago having in it the debenture plan. I know in my State of cases of men who have shipped produce to brokers, and instead of receiving pay for their goods the produce has been thrown on the market and the man who shipped it received a bill saying that the returns from the sale of his produce lacked so much money of bringing enough to pay the actual charges, and therefore he would please remit the difference. Instead of receiving some pay for his product or whatever produce he might have shipped, he received a bill for the freight amounting to more than the articles shipped by him brought, as was claimed by the commis-

sion men. I believe that some amendment covering a case of that kind should be incorporated in the bill.

I have an article from the South Carolina Gazette, of Columbia, S. C., of May 29, 1929, reading as follows:

JOINT-STOCK LAND BANK FAILURES

Both the Milwaukee Joint Stock Land Bank and the Kansas City Joint Stock Land Bank are in the hands of receivers, and several others in the East and West are on the ragged edge. One member of the Kansas City institution criticizes the Federal Farm Loan Board for its failure to show more than a passing interest in the situation.

The Kansas City institution was the second largest in the country, next to Chicago. It closed May 4, 1927. When this bank closed it had $44,377,000 of farm loan bonds outstanding. H. M. Longworthy, the receiver, estimates the deficit at $6,498,000 more than the entire capital stock of the bank, so an assessment of 100 per cent has been levied against stockholders.

The Milwaukee bank is now in process of liquidation. It is doubtful if any reorganization will be undertaken.

More than 4,000 banks in the farming sections of the United States have been forced to close since the deflation of 1921. And more than 2,000,000 farmers have left the farms during the same period.

Yes, there still is a farm problem to solve.

Mr. President, in the Washington Post of Friday, May 31, 1929, there was an editorial about "traitors" in the Senate. I ask unanimous consent that the editorial may be printed in connection with my remarks.

The VICE PRESIDENT. Without objection, it is so ordered. The editorial is as follows:

[From the Washington Post, Friday, May 31, 1929]

ON THE RAGGED EDGE

If the Republicans of Congress will pay a little more attention to their party's pledges and a little less to premature vacation plans they will stand a better chance of reelection.

During the last six weeks Congress has practically destroyed public confidence in the Republican Party. The people still have full faith in President Hoover's good intentions, but the rosy anticipations of wonderful achievements under his leadership are fast disappearing, as it is now evident that the Republican Party in Congress contains traitors within its ranks who are determined to wreck the party and the Hoover administration. The combination of Democrats and Republican traitors in the Senate constitutes a majority that can bring to naught all the well-laid plans of the Republican President in behalf of farm relief, and a tariff revision that would commend itself to the country.

Unless this combination breaks or is broken, the debenture feature will remain in the farm relief bill or will appear in the tariff bill. President Hoover will be compelled to veto any bill in which it appears. Then good-by to farm relief or tariff revision, and good-by to public confidence in the Republican Party as manager of the Government.

The wave of public disgust over the situation in Congress is almost unprecedented. When Mr. Hoover was placed in command by the votes of nearly all the States the people expected Congress to support him in bringing about immediate farm relief and reasonable tariff revision. He is getting neither, and it is not his fault. The public knows that it is not his fault. Hence there is rising a storm of popular wrath against Congress, which is very likely to destroy good men as well as bad, as it strikes blindly at the frustraters of prosperity. Republicans who support the party pledges are in danger, as well as the traitors who have violated the pledges.

The world's oversupply of wheat is bringing another disaster to American farmers at the very moment when Congress is failing to provide farm relief. Agriculture distress is the forerunner of industrial depression and the general collapse of prosperity. Labor is involved. The Republicans of Congress are bereft of reason if they think they can escape retribution at the next election individually and as a party. If congressional elections were to be held to-day the House of Representatives would be made Democratic not because the people have gone Democratic but because they feel that they have been betrayed by the Republicans.

The suggestion that Congress should take a recess until fall, without enacting farm relief or tariff revision, is sheer madness. Both of these measures must be enacted, and they must be fairly satisfactory or the Republican Party may as well kiss good-by to its control of Congress. The danger is that the majority party will fail to enact satisfactory legislation either now or in the autumn. This failure would not merely break the hold of the Republican Party, it would imperil national prosperity. The people will not stand for this unnecessary and suicidal destruction of their prosperity by politicians who refuse to do teamwork in the public interest.

The Republicans in Congress—all of them, loyal and traitor—were never in greater danger than they are at present. A little more juggling with the public welfare, a little more dissension and party treachery, and the betrayed farmers, industrialists, and workers of the United States will do the rest.

Mr. BLEASE. On Saturday last the Washington Herald contained a cartoon with Mussolini Hoover out in the woods lost, and surrounding him were a lot of wolves, which were supposed to represent Republican Members of this body. Sitting up in the tops of some of the trees were some owls, which were supposed to represent some of the Democrats. Accompanying the cartoon was a brief editorial containing a threat and saying that the Senate and House should not take a recess until the farm bill had been passed with the debenture plan not in it.

I do not believe that the President of the United States would veto the farm relief bill if the debenture plan was left in it. I voted for the debenture plan, and I propose to stand flat-footed right there. I believe that the President, before he would allow the Congress to adjourn or take a recess before some attempt is made to deceive the farmer, should have his bluff called that he would not sign the bill with the debenture plan in it. I hope the Congress will stay here and that there will be no compromise in reference to that matter.

That is my individual opinion. I hope the Senate will stand firm; that the "traitors" on the other side of the Chamber, so pleasantly characterized by the Washington Post, and the "hoot owls" on this side of the Chamber, so characterized by the Washington Herald, will be men enough not to be frightened because Mussolini Hoover is lost in the woods with his gun. Call his bluff and let him veto his party's bill. He will not dare do it and let his extra session be a failure.

The VICE PRESIDENT. If there are no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The VICE PRESIDENT. The bill is in the Senate and open to amendment.

Mr. COPELAND. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from New York suggests the absence of a quorum. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Glass	McNary	Stephens
Ashurst	Glenn	Metcalf	Swanson
Blease	Goff	Norbeck	Thomas, Idaho
Borah	Hale	Norris	Thomas, Okla.
Bratton	Harris	Nye	Townsend
Brookhart	Hastings	Oddie	Trammell
Broussard	Hatfield	Overman	Tyson
Burton	Hawes	Patterson	Vandenberg
Capper	Hayden	Phipps	Wagner
Connally	Heflin	Pine	Walcott
Copeland	Johnson	Pittman	Walsh, Mont.
Cutting	Jones	Ransdell	Warren
Dale	Kean	Reed	Waterman
Dill	Kendrick	Schall	Watson
Fess	La Follette	Sheppard	Wheeler
Fletcher	McKellar	Smith	
Frazier	McMaster	Steiwer	

Mr. FESS. The junior Senator from Maryland [Mr. GOLDSBOROUGH] is detained from the Senate on account of illness. I will let this announcement stand for the day.

Mr. WATSON. I desire to announce that the Senator from Utah [Mr. SMOOT], the Senator from California [Mr. SHORTRIDGE], the Senator from New Jersey [Mr. EDGE], the Senator from Michigan [Mr. COUZENS], the Senator from Vermont [Mr. GREENE], the Senator from New Hampshire [Mr. KEYES], the Senator from Kentucky [Mr. SACKETT], the Senator from North Carolina [Mr. SIMMONS], the Senator from Mississippi [Mr. HARRISON], and the Senator from Massachusetts [Mr. WALSH] are detained in the Finance Committee.

Mr. LA FOLLETTE. I desire to announce the unavoidable absence of my colleague the junior Senator from Wisconsin [Mr. BLAINE] and to state that he has a general pair with the junior Senator from Maine [Mr. GOULD]. I should like to have this announcement stand for the day.

Mr. WATSON. The junior Senator from Rhode Island [Mr. HEBERT] is absent on important business.

The VICE PRESIDENT. Sixty-six Senators having answered to their names, a quorum is present. The bill is in the Senate and open to amendment.

Mr. BORAH. Mr. President, before the vote shall be taken on the bill, I desire to say that the amendment which was adopted on Friday with reference to changing the jurisdiction of the court, and giving the right of service in States other than the one in which the defendant resides, has been stricken from the bill.

Mr. COPELAND. Mr. President, I wish it might be possible for the Senator in charge of the bill to give further consideration to the limitation of the licensing provision. As I have said—and I have no disposition to repeat it—it is very damag-

ing to producers of the commodities to deny them the privilege of the license, putting it in that way; and, in my judgment, it will drive the commission merchants of the city who are licensed to the purchase of products from licensed commission brokers in various localities. I, therefore, hope a way may be found by which that defect in the bill may be remedied. The bill as written, in my judgment, is now very much better for all concerned, and certainly better for those who are the sellers of perishable products and the producers of perishable products. May I venture to hope that this matter may be given some further consideration by the Senator from Idaho?

Mr. BORAH. Mr. President, I realize the importance of the amendment, and I shall give it further consideration, but I am not in a position at this time to consider any change in the language.

The VICE PRESIDENT. The bill is in the Senate and open to amendment. If there be no further amendment, the bill will be ordered to be engrossed and read a third time.

The bill was ordered to be engrossed for a third reading and was read the third time.

The VICE PRESIDENT. The question is on the passage of the bill.

The bill was passed.

NATIONAL-ORIGINS CLAUSE OF IMMIGRATION ACT

Mr. NYE. Mr. President, I move that the Senate proceed to the consideration of Order of Business No. 8, being Senate Resolution 37.

The VICE PRESIDENT. The Secretary will read the resolution.

The Chief Clerk read the resolution (S. Res. 37) submitted by Mr. NYE, April 23, 1929, as follows:

Resolved, That the Committee on Immigration be discharged from the further consideration of the bill (S. 151) to repeal the national-origins provisions of the immigration act of 1924.

Mr. SHEPPARD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	McNary	Stephens
Ashurst	Glass	Metcalf	Swanson
Blease	Glenn	Norbeck	Thomas, Idaho
Borah	Hale	Norris	Thomas, Okla.
Bratton	Harris	Nye	Townsend
Brookhart	Hastings	Oddie	Trammell
Broussard	Hatfield	Overman	Tyson
Burton	Hawes	Patterson	Vandenberg
Capper	Hayden	Phipps	Wagner
Connally	Heflin	Pine	Walcott
Copeland	Johnson	Pittman	Walsh, Mont.
Couzens	Jones	Ransdell	Warren
Cutting	Kean	Reed	Waterman
Dale	Kendrick	Schall	Watson
Dill	La Follette	Sheppard	Wheeler
Fess	McKellar	Smith	
Fletcher	McMaster	Steiwer	

The VICE PRESIDENT. Sixty-six Senators have answered to their names. A quorum is present. The question is on the motion of the Senator from North Dakota that the Senate proceed to the consideration of Senate Resolution 37.

Mr. REED. Mr. President——

The VICE PRESIDENT. The Senator from Pennsylvania.

Mr. NYE. I yield.

Mr. REED. I have been recognized by the Chair?

The VICE PRESIDENT. The Senator from Pennsylvania is recognized.

Mr. NYE. Did I not have the floor, Mr. President?

The VICE PRESIDENT. The Senator simply made the motion, and the Senator from Pennsylvania was then recognized. Does the Senator from Pennsylvania yield to the Senator from North Dakota?

Mr. REED. If the Senator from North Dakota wishes to address the Senate on the subject of the motion, I will yield.

Mr. NYE. I do not so desire, Mr. President.

Mr. REED. Mr. President, the motion of the Senator from North Dakota is to proceed to the consideration of a resolution to discharge the Committee on Immigration from the further consideration of a repealer of the national-origins clause of the immigration act. I am inclined to think that it is to the best interest of all concerned that the resolution of discharge should come up and be discussed; and I do not believe that it is necessary to have a very prolonged debate about it; but among those Senators who are most interested in this subject is the senior Senator from Arkansas [Mr. ROBINSON]. I understand that his plans are that he will not return to the Senate before next Wednesday. I should not want to see a vote upon the resolution until the Senator from Arkansas has had a chance to return and express himself on the subject. He talked to me about it before he went away, and I know how great his interest is. However, if we may have an informal understanding to that effect, that there shall not be a vote on the resolution until then, I shall not be inclined to oppose the pending motion, but, on the contrary, think I shall vote for it.

Mr. NYE. Mr. President, will the Senator yield?

Mr. REED. I yield to the Senator from North Dakota.

Mr. NYE. The Senator refers to next Wednesday. Does he mean that the Senator from Arkansas is expected to be back in the Senate on Wednesday of this week?

Mr. REED. I am told he will be back here day after to-morrow, and I would not want to have a vote taken on the motion to discharge the Immigration Committee until the day after to-morrow.

Mr. NYE. Mr. President, having knowledge of the number of Senators who wish to be heard upon this subject, I can not foresee a chance for a vote before Wednesday of this week.

Mr. REED. Nor can I, but I did not want to let the pending motion be acted upon without referring to the situation, and I should feel quite free to ask the Senate to postpone a vote on the resolution until the day after to-morrow in any event.

Mr. NYE. I think, Mr. President, I shall agree to that.

The VICE PRESIDENT. The question is on the motion of the Senator from North Dakota that the Senate proceed to the consideration of Senate Resolution 37.

The motion was agreed to and the Senate proceeded to consider the resolution.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. NYE obtained the floor.

Mr. SWANSON. Mr. President, I understand the resolution is now the unfinished business.

The VICE PRESIDENT. The resolution is the unfinished business, and the question is on agreeing to the resolution discharging the Committee on Immigration from further consideration of Senate bill 151.

Mr. REED. The resolution to discharge the committee is surely debatable, is it not?

The VICE PRESIDENT. It is.

Mr. REED. A parliamentary inquiry. Has not the Senator from North Dakota [Mr. NYE] asked to be recognized on the subject?

Mr. NYE. I have.

Mr. SWANSON. I should like to have an understanding, Mr. President.

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Virginia?

Mr. NYE. I yield.

Mr. SWANSON. I understood that an understanding was arrived at between the senior Senator from Pennsylvania [Mr. REED] and the Senator who has charge of this resolution that no vote would be taken on the disposition of this measure until next Wednesday.

Mr. REED. That is correct.

Mr. SWANSON. With that understanding, everybody consented to have the resolution made the unfinished business. I think it is the duty of the Chair to enforce the understandings arrived at in the Senate. Consequently, it seems to me that the Chair, with that unanimous agreement and understanding, will see that no vote is taken until the time agreed upon.

Mr. REED. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Pennsylvania?

Mr. NYE. I yield.

Mr. REED. If I correctly have understood the Chair, the Chair merely stated the question as a preliminary to the debate which was expected to follow. The question is, Shall the resolution to discharge the committee be agreed to?

The VICE PRESIDENT. That is the pending question.

Mr. NYE. Mr. President, in proposing to repeal the national-origins clause of the immigration act I approach the subject with some misgivings as to my own ability to present it clearly and concisely, and in a manner that will be certainly understood, without the presence here of the one Member of this body who has made himself so close a student of the question of national origins. I have reference to the senior Senator from Minnesota [Mr. SHIPSTEAD], who has been absent from the Senate for some weeks owing to a serious illness on his own part. So, as I say, I approach the task with some misgivings; and yet so deep is my conviction that national origins as a basis of immigration quotas is unfair and inaccurate that I have no hesitancy in devoting myself to this cause as best I can.

However, in presenting this argument I think, in all fairness, I should, first of all, present the argument in some manner as it would be presented were the Senator from Minnesota present.

In the hearings conducted by the Senate Committee on Immigration last February, though he was not able to be present at the committee hearings, the Senator from Minnesota did submit a statement which was incorporated in and made a part of the record of those hearings; and I desire to read his statement incorporated in the record at that time:

STATEMENT OF HENRIK SHIPSTEAD BEFORE THE SENATE COMMITTEE ON IMMIGRATION REGARDING THE NYE RESOLUTION TO POSTPONE EFFECTUATION OF NATIONAL-ORIGINS CLAUSE

On two previous occasions the Committee on Immigration has been called upon to examine the report of the three Cabinet officials based upon their investigations through statistical reports. On both occasions your committee has refused to accept the report. The reasons given to the Senate for refusing to accept the report are contained in the following statement by the chairman of the Committee on Immigration February 1, 1927:

"I desire to say that under the present immigration law the President is required to promulgate a proclamation on the 1st day of April, 1927, in respect to the national-origins provisions of the law.

"Upon this subject two messages have been received by the Senate. The last of those messages states that figures relied upon for the quota numbers of various countries are ambiguous and that practical legislation could not be predicated upon them."

And further he says:

"I violate no confidence, I think, in saying to the Senator from Missouri that the majority of the Immigration Committee desired to repeal the national origins law, but there being a minority in favor of it and our time being so limited, we felt that we could not at this time have definite action.

"The resolution passed the Senate, came before the Immigration Committee of the House, and a majority of the committee reporting the resolution to the House reported in part, as follows:

"'The committee having considered the text of Senate Joint Resolution 152, to postpone for one year the going into effect of the national-origins provision of the immigration act of 1924, is of the opinion that at the end of one year from July 1, 1927, the same uncertainty as to the results of regulating immigration by means of the national-origins plan will continue to exist.

"'That the Secretaries of State, Commerce, and Labor will have little, if any, more positive evidence on which to base quota findings than at present.

"'That too much uncertainty exists as to the requirements of the law that "the President shall issue a proclamation on or before April 1, 1927," when read in conjunction with further provisions of the law.

"'That it seems far better to have immigration quotas for the purposes of restriction fixed in such a manner as to be easily explained and easily understood by all.

"'That the committee is of the opinion that the United States, having started on a policy of numerical restriction, the principle of which is well understood, that little will be gained by changing the method.'"

I take for granted that your committee has again refused to accept the report of the fact-finding commission appointed by the President according to law. I base that upon the fact that the committee has decided to hold public hearings.

LAW OF 1924 SPECIFIC

Under the provisions of the immigration law of 1924 the commission composed of the Secretaries of State, Labor, and Commerce had the task of determining the national origin of the population of the United States. This specific instruction of the law to this commission reads as follows:

"Such determination shall not be made by tracing the ancestors of descendants of particular individuals, but shall be based upon statistics of immigration and emigration, together with rates of increase of population as shown by successive decennial United States censuses, and such other data as may be found to be reliable."

You will note that the mandate is quite specific in its limitations upon the commission. The purpose of this provision of the law was to create a fact-finding commission. The commission is instructed by law to confine their source of information to "immigration and emigration" statistics "together with rates of increase of population as shown by successive decennial United States census, and such other data as may be found to be reliable."

The law specifies these three sources of information upon which to find the facts. The report is here; in fact, it is here for the third time by request of the committee for the purpose of determination by your committee as to whether or not the commission has complied with the provisions of the law in its search for facts and if the facts reported are of such a character that the committee in its judgment feels they are sufficient and substantial enough to form the foundation of the immigration policy of the United States.

It must be clear to everyone that the limitations conferred by law upon the fact-finding commission extend also to the Committee of Immigration in this case. The committee sits in a judicial capacity in judgment on the report and the report of the commission must form the foundation of your decision. Under the law it seems plain that the committee is confined to the report of the commission. It, therefore, becomes important to learn what is the foundation of the commission's report.

Therefore I call the committee's attention to the testimony of the chairman of the commission's "experts" whose duty it is to report to the commission of three Cabinet officials in order that we may learn upon what their report is founded.

CENSUS OF 1790 BASIS OF REPORT

On page 14 of Senate document dated March 15, 1928, and designated as Hearings Before the Committee on Immigration, United States Senate, Seventieth Congress, first session, we read the following:

"Senator SHIPSTEAD. Doctor, upon reading the report I got the idea that the census of 1790 plays a very important part in your report.

"Doctor HILL. Yes; that is true.

"Senator SHIPSTEAD. It is almost a foundation for the entire report, as I read it.

"Doctor HILL. Well, you are talking now about the census records, not about the century of population growth?

"Senator SHIPSTEAD. I am talking about the census record, and the century of population growth is based, as I understand it, upon the census of 1790?

"Doctor HILL. Yes.

"Senator SHIPSTEAD. So the census of 1790 becomes the key to the arch of the whole basis of calculation as I understand the report. I wanted to know if that is your idea?

"Doctor HILL. Yes; for that part of the population which we call the original native stock, representing about 45 per cent of the total.

"Senator SHIPSTEAD. Can you tell us how many or what percentage of the statistics gathered in that report were destroyed when the British burned the Capitol here?

"Doctor HILL. Well, the records for New Jersey, Delaware, Georgia, Kentucky, and Tennessee. These records have been lost, but it is not altogether certain that they were destroyed when the British burned the Capitol, although that is the tradition.

"Senator SHIPSTEAD. It was given at one time as something like six or seven States of which the statistics were burned at that time, so given by one of the Commissioners of Immigration.

"Senator COPELAND. Does the Senator mean that the records relating to those States were burned?

"Senator SHIPSTEAD. Yes."

In Senate document dated December 22, 1926, and designated Hearings before the Committee on Immigration, United States Senate, Sixty-ninth Congress, second session, on page 4, while making a statement on the provisions of the law specifying the source of information upon which the commission was instructed to base its conclusion I made the following statement:

"The number of inhabitants in continental United States in 1920 whose origin by birth or ancestry is attributable to such geographical area. Such determination shall not be made by tracing the ancestors or descendants of particular individuals, but shall be based upon statistics of immigration and emigration, together with rates of increase of population as shown by successive decennial United States censuses, and such other data as may be found to be reliable."

It will be seen from the above that the most important element in this determination is "statistics of immigration and emigration." The next important element is "rates of increase of population as shown by successive decennial United States censuses."

As reliable statistics of immigration and emigration are not in existence the whole plan fails and leaves the determination to mere guesswork or conjecture.

"Senator REED. In the absence of statistics, you say?

"Senator SHIPSTEAD. Yes. I say 'reliable statistics' are not available. According to the best authorities, there are no reliable statistics of immigration for the first 213 years of this country's history. I believe you stated in the debate upon this proposition that there were none until 1820?

"Senator REED. Yes.

"Senator SHIPSTEAD. I am quoting from your statement on the floor of the Senate, April 3, 1924, page 5460, part 6, volume 65, of the CONGRESSIONAL RECORD: 'There was no official governmental record of immigration commenced until the year 1820.'"

Dr. Edward McSweeney, former Assistant Commissioner of Immigration, has made a statement on that, and if you would care to have me do so I would like to read it. He said [reading]:

"In 1819 a law was passed making it necessary for the captains of all incoming ships bringing passengers to the United States to file a manifest of the passengers but, except to give the number of the passengers to the Government, was never other than perfunctory and almost never used. These accumulated manifests were burned in the Ellis Island fire of 1896. The first real attempt to gather immigration statistics was after the Immigration Bureau was established in the early nineties."

In 1906 Congress passed a law providing that the Director of the Census be authorized and directed to publish in permanent form, by counties and minor subdivisions, the names of the families returned at the first census of the United States in 1790.

Speaking of the difficulties in this work, William S. Rossiter, then chief clerk of the Census Bureau, stated in Outlook for December 29, 1906, page 1071, marshals in the different districts who had charge of the census:

"The break in official records is one of the marks of the teeth of the British lion, these papers and many others having been destroyed during the occupation of Washington in the War of 1812."

Mr. Rossiter also states:

"Vagaries of size, shape, paper, ruling, chirography, and language could easily be forgiven, if, however, thereby we could restore the missing schedules for Delaware, Georgia, Kentucky, New Jersey, Tennessee, and Virginia, another reminder of the British, for they were also destroyed during the occupation of Washington."

Mr. Rossiter estimates that one-fourth of the enumeration is now lacking and that it would be very difficult to comply with the law of 1906.

Director of the Census North was not seemingly deterred by the fact that such a large part of the records was missing, and proceeded in 1909 to make a voluminous report which not only used the partial records but gave meticulous percentages of the racial divisions in the country based solely on names, the same as the late Senator Lodge has done in his Distribution of Ability in 1896. Well, certainly the recklessness of that would be apparent; for instance, here is a man by the name of Murphy; suppose he marries a girl of German descent. What would the children be? If you go by name, of course, they would be called Irish; the German would be wiped out. If an Irish girl should marry a man with a German name, a Scotch name, or Scandinavian name, the Irish descent would be wiped out.

These fragmentary statistics of immigration and emigration are, therefore, admitted by the chairman of "experts" to be the foundation of their report. One-half of the records of the census of 1790 were destroyed more than 100 years before the commission began its work. In the census of 1790 the only information gathered by the census takers was the name and age of the individual. No information was gathered to determine their national origin. The only manner in which the national origin could be determined of the population of 1790 would be from the remaining records of the seven remaining States. Six are gone, and the only manner in which the national origin if the remainder can be determined is by tracing the national origin of each individual of the population at that time by spelling or sound of his name. This is "tracing the ancestors of descendants of particular individuals," but the law creating the committee of experts says, "such determination shall not be made by tracing the ancestors or descendants of particular individuals, but shall be based upon statistics of emigration and immigration together with rates of increase of population as shown by successive decennial United States censuses, and such other data as may be found to be reliable."

It seems plain and must be patent to the committee that the census of 1790 is specifically eliminated from consideration in this work by specific provision of the law. It is plain, in view of the statement of Doctor Hill that the census of 1790 is the foundation of his report that this evidence places the report in an indefensible position. There remains then (a) "Statistics of immigration and emigration."

RECORDS FROM 1819 TO 1896 BURNED

On April 4, 1924, page 5460, part 6, volume 65 of the CONGRESSIONAL RECORD, I find the statement made by the Senator from Pennsylvania [Mr. REED]: "There was no official governmental record of immigration commenced until the year 1820." The immigration statistics provided for by law in the year 1819 were burned in the Ellis Island fire of 1896. As to the reliability of these records, Dr. Edward McSweeney, former Commissioner of Immigration, said:

"In 1819 a law was passed making it necessary for the captains of all incoming ships, bringing passengers to the United States, to file a manifest of the passengers but except to give the number of passengers to the Government was never other than perfunctory and almost never used. These accumulated manifests were burned in the Ellis Island fire of 1896. The first real attempt to gather immigration statistics was after the Immigration Bureau was established in the early nineties."

Therefore the immigration statistics up until the early nineties were "perfunctory and almost never used," and what there was of them were destroyed by the Ellis Island fire in 1896. The immigration statistics are therefore eliminated not only by the provisions of the law on account of unreliability but also by the fire.

There remains, then, for the consideration of the committee, "the rates of increase of population as shown by successive decennial United States censuses and such other data as may be found to be reliable." It is hard to understand what effect "the rate of increase of population as shown by successive decennial United States censuses" can have upon the determination of the national origin of the American population so long as no information bearing upon national origin of the American population was gathered by the Census Bureau until 1850 and the Census Bureau did not gather any statistics on the origin of parents that were complete until 1890.

NO NATIONAL ORIGIN CENSUS RECORD UNTIL 1890

I desire to call the committee's attention to Doctor Hill's testimony in Senate document designated as Hearing Before the Committee on Immigration, United States Senate, Seventieth Congress, first session, March 15, on page 19:

"Senator SHIPSTEAD. Doctor, have we got the returns for 1800?

"Doctor HILL. Have we got them?

"Senator SHIPSTEAD. Yes.

"Doctor HILL. There are some States missing still. States for which the 1800 census records are missing include Georgia, Kentucky, Mississippi, New Jersey, Tennessee, and Virginia, and certain limited areas in some other States; also Indiana Territory and Northwest Territory.

"Senator SHIPSTEAD. There were six or seven missing out of 1790.

"Senator WILLIS. I was wondering whether or not that might not be a check worth while. Our committees made these computations on the basis of the census of 1790. Suppose they should start an entirely independent inquiry, taking the census of 1800 and 1810 and see where they come out. It would be a pretty useful check, would it?

"Senator COPELAND. Up as far as 1830 it would be, Doctor Hill. That would be a very large undertaking, a very large task, especially as we would have to work with manuscript records. We haven't printed these schedules as we have those of 1790.

"Senator WILLIS. You say you have not any printed record for the census for the earlier periods?

"Doctor HILL. I mean by that, the original records. Of course, we have census reports giving statistics.

"Senator WILLIS. 1790 was printed; 1800 was not or 1810?

"Doctor HILL. No; nor has any later census been printed.

"Senator SHIPSTEAD. Can you tell me the first census we took in which we undertook to find out what country these people came from?

"Doctor HILL. 1850.

"Senator SHIPSTEAD. There was nothing done up until that time by our enumerators to determine where these people came from in Europe?

"Doctor HILL. That is true.

"Senator COPELAND. In 1850 did they go back further than the immediate parents?

"Doctor HILL. It did not go back as far as that; simply their own birthplace, whether foreign born, and in what countries.

"Senator COPELAND. When did they begin to ask anything about the parents?

"Doctor HILL. They made a beginning in 1880, but, as I stated a while ago, that was not a complete classification. The first complete classification made of parents was in 1890.

"Senator SHIPSTEAD. Then, until 1850 there was nothing to show except by assuming from the names?

"Doctor HILL. Well, we have the figures, you know.

"Senator SHIPSTEAD. Were there any other immigration figures other than those required by the Government to be filed by the officers of incoming ships with the immigration officers, the number of passengers, and that the passengers landed were accredited to the flag carried by the ship?

"Doctor HILL. I think you are right about that. I am not familiar with the immigration regulations of those days.

"Senator SHIPSTEAD. So, if the ship came in carrying passengers from all over Europe, assume she had 1,000 passengers, the officer would file with the immigration department a manifest showing that 1,000 came here in that German ship and immigration officials would accredit those immigrants to Germany; is that right?

"Senator REED. I doubt whether there was any ship of that capacity at that time.

"Senator SHIPSTEAD. Of course, the figures I assumed merely for the purpose of illustration. For instance, an English ship coming in under the English flag, carrying passengers from all over Europe, the passengers would be accredited to England?

"Senator WILLIS. The way they handled ships in those days that would not be a bad guess, because they did not have tramp vessels gathering up cargo. A ship was laden and went to a certain port.

"Senator REED. Your conclusions upon that were checked, were they not, by statistics of emigrants from various countries?

"Doctor HILL. So far as we could get them."

In Doctor Hill's last report he says:

"In order to utilize the available data to best advantage in the determination of national origin it was necessary first of all to determine what proportion of the white population of the United States in 1920 was derived from the white population present in the United States when the first census was taken in 1790."

Suppose that it were possible to determine what percentage of the population of 1920 was descended from the population prior to 1790, what bearing could that have on the national origins of the population of 1920 unless we had some definite immigration and census records

informing us on what was the national origins of the population prior to 1790?

On page 2 of Doctor Hill's last report we learn—

"The national origin of the original native or colonial stock is assumed to be the same as that of the 1790 population. In its preliminary report, submitted in 1926, the quota committee accepted the classification of 1790 population by nationalities as given in A Century of Population Growth, a work published by the Bureau of the Census in 1909. It was admitted, however, that there was a 'considerable element of uncertainty' in a classification based as that was upon the names of heads of families."

On page 4 of the last report and the one now pending we find that one of the experts explains the method of determining the national origins of the population of 1790. This shows plainly that the committee of experts' report is based on A Century of Population Growth, which again is based on the census of 1790, and the only excuse for basing the quotas on the census of 1790 and the only scientific thing about it is that they determine the national origin of the population of 1790 by tracing or by guessing the national origin of the individual, using his name as a basis. This method was considered so unscientific at the time of the passage of the immigration act that the Congress specifically prohibited this method from being used.

Therefore up until 1890 we find there was no complete classification made of the national origins of the parents of the American population by the Census Bureau. This is an admission of Doctor Hill in the hearings conducted by your committee. It seems to me, therefore, that the record, as well as the law, rules out the "Rate of increase as shown by successive decennial United States censuses."

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There remain, then, "such other data as may be found to be reliable." What that data is and how reliable it may be is for the committee to determine. In passing upon the reliability of whatever remaining data there may be, I am sure it is not necessary to warn the committee against going astray on testimony presented by people whose mental complex seems biased by international and racial prejudices and inhibitions always latent to some extent in the human breast. The law does not provide that the committee shall consult the opinions and prejudices of our various racial or national groups. The law specifically provides that the commission of Cabinet officers shall search the records for facts. The law does not provide the commission shall search emotions for prejudices. It is plain that the same provisions of law apply to the committee. The Congress of the United States legislates under the provisions of the Constitution. It is not within the province of Congress to legislate for or against any person or group representing any nationality composing its citizenship. We legislate as Americans. The Constitution does not distinguish between racial groups.

I find on reading the report of the committee of experts that they have arbitrarily divided the American population into two classes, the native American stock and the immigrant stock. The native American stock is held by the committee of experts to be composed of those whose ancestors were here before 1790, and that part of our population whose ancestors came here after 1790 are designated as immigrants and the children of immigrants. This arbitrary classification is the foundation of the report of the committee. I would like to know how this committee of "experts" discovered that the population of the United States prior to 1790 were not immigrants or children of immigrants. That is a new theory that I nominate to stand on par with Doctor Einstein's fourth and fifth dimensions, interesting for speculative purposes, but surely not to be relied on to form the foundation of an American immigration policy. I know of no provision of law, nor do I desire any such, that may prohibit those whose ancestors were here before 1790 from purchasing for themselves championship belts for the purpose of designating to the world that they are the only "simon-pure" Americans. But for purposes of legislation we can not distinguish or give any preferred status to any particular group.

The law specifically confers the duties of finding the facts upon a commission of three Cabinet officers. This commission has made its report. It is evident that the report of the Cabinet officers based upon the work of their "experts" satisfy the committee that the data is not of such a character that it was sufficient to comply with the provisions of section (c) of the immigration act. I, therefore, assume that the present hearings have been extended by the committee to other sources, in the hope that it may find "such other data as may be found to be reliable." How scientific and how reliable such testimony may have been as presented to the committee by the various witnesses appearing before it is for the committee to determine. It must be evident and apparent to the committee that the sources enumerated in the law have been searched and found wanting.

It is therefore plain that the committee, having discarded the report of the commission appointed by law, and if the national-origins clause is to be put into effect and used as a basis for our immigration policy it can only be done by amending the immigration act of 1924. If that is the intention of the committee I assume its recommendations will be based upon information obtained in public hearings, and will be political in character since the scientific and statistical data to which we are limited under the law is not found to be reliable.

Mr. President, I have previously said that I believe the underlying principle of the national-origins theory was good and was deserving of confidence. The purpose of the national-origins theory is that of preserving our racial balance by admitting, as nearly as we can, a counterpart in miniature of our present population as immigrants each year. I think it altogether deserving as a theory, but before we can agree that this particular basis, under the so-called national-origins clause, is reliable, I think it well for us to ascertain as accurately as we can how fairly the conclusion has been reached that the quotas under national origins are fair and are reasonable.

Mr. DILL. Mr. President——

The PRESIDING OFFICER (Mr. STEIWER in the chair). Does the Senator from North Dakota yield to the Senator from Washington?

Mr. NYE. I yield.

Mr. DILL. I want to know on what theory the Senator agrees that our present composition of population is so ideal that it should not be changed.

Mr. NYE. I was not arguing that at all.

Mr. DILL. But the Senator admitted it.

Mr. NYE. I am admitting this: That the matter of immigration is so perplexing a question, and in many cases so embarrassing a question, that it is altogether desirable that we arrive at a basis to which we can point as being one that is fair and not discriminating against any people. To that extent I think the theory and the purpose of the national-origins theory is good.

Mr. DILL. Will the Senator yield again, Mr. President?

Mr. NYE. I yield.

Mr. DILL. The Senator recognizes that until recently there was absolutely no limitation on the numbers of immigrants who could come from any one country, and simply because an unusually large number from a certain country got into the United States is no reason, in my judgment, for allowing that particular class of immigrants to come here in exceedingly large numbers in the future. I have never been able to see the soundness of the proposal that because a lot of foreigners of one nation got into the United States we must forever allow that proportion of them to continue to come into the United States.

Mr. NYE. I think the Senator's point is well taken.

Mr. HARRIS. Mr. President, I would like to know how the Senator from Washington would select immigrants coming into the country?

Mr. DILL. If the Senator from North Dakota will yield——

Mr. NYE. I yield.

Mr. DILL. When it comes to the selection of immigrants, I would select those who amalgamate best with our people, and who have proved, during their years in this country, that they made our best citizens. But I am not here to propose a plan that is ideal. I was challenging the admission made by the Senator from North Dakota that it was a sound basis to say that because a lot of people of one country or another had gotten into the United States, we ought to continue to allow that proportion to continue to come in.

Mr. NYE. Mr. President, in 1924, when the present immigration act was drawn and enacted into law, there were two plans incorporated, one of a temporary nature, the other intended to be of a permanent nature. It was deemed at that time advisable to follow such a theory as had been incorporated in the national-origins clause, to seek to base immigration quotas upon the percentage of the population represented in this country by the various countries of Europe at a given time. But it was very apparent that before any basis of quotas could be worked out on that theory, before the facts could be ascertained and the quotas fixed, a number of years would intervene.

Then for the period between then and the time when the national-origins clause should become effective it was provided that the basis of immigration should be 2 per cent of the total population of the foreign born in the United States in the year 1890. It was known that the 2 per cent would bring into the country annually about 150,000 immigrants, or the same as would be admitted under the national-origins plan when it became effective.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. NYE. I yield.

Mr. LA FOLLETTE. I am very much interested in the statement the Senator is making, because in a great many of the arguments which I have seen advanced for the adoption of the national-origins theory the impression has been given that it means a further restriction of immigration. I was much interested in the Senator's statement to the effect that, so far as

the restriction of immigration is concerned, the two plans are not very different in effect.

Mr. NYE. Not materially different at all; and if I could have my way about it, and have an opportunity to demonstrate my belief in restricted immigration, I should offer an amendment to the bill as to which we are attempting to discharge the committee from further consideration—an amendment which would provide a shaving down of the present basis of quotas to a point that would be nearer to 150,000 than it now is; in other words, to a point that would be similar to that point which would prevail under a basis of quotas builded under the national-origins plan, namely, about 153,000 or 154,000, according to the last estimates submitted by the experts who have been studying this problem.

Mr. HARRIS. Mr. President, would the Senator be willing to vote for an amendment making it 1 per cent instead of 2?

Mr. NYE. On what basis?

Mr. HARRIS. Whatever basis Congress might decide upon.

Mr. NYE. At this stage I do not believe I would, for this reason, that we have been admitting something like 150,000 or 160,000 immigrants each year for the last five years, and parts of families have come to this country and have made their plans for the bringing of the rest of the families in the following years as fast as the rest of the families could get on to the quota lists of their countries, and hundreds and thousands of people have been looking forward to that time. While I think eventually we will come to a further restriction of immigration than we are enjoying now, I do not think now is the time to propose any such drastic cut as would be brought about by a cut to 1 per cent from 2 per cent of the total foreign-born population found in the United States in 1890.

Mr. NORBECK. Mr. President, will the Senator yield?

Mr. NYE. I yield.

Mr. NORBECK. If I understand the Senator correctly, he proposes to offer an amendment when the bill comes into the Senate that will bring down the quota to where it would be under the national-origins plan.

Mr. NYE. I do, Mr. President.

Mr. NORBECK. The opening or closing of the quotas is not involved in this question?

Mr. NYE. It is not involved in this controversy at all. Some say that the difference between the national-origins basis and the 1890 foreign-born basis is not material, and the number of men and the kind of people who are professing to-day a belief that there would not be any material change in the basis of quotas under the two plans is surprising.

For that reason I must insist at this point on calling attention to how many these countries of Europe which are on the quota basis, and which are sending to us a given number under the 1890 basis, would be permitted to send under the national-origins basis, that there may be a clear demonstration of what a very radical, what a very material change will take place if we adopt the national-origins plan; not a material change in the total number who are coming into our country, but a very drastic change in the numbers which can come from the individual countries.

There is the case of Austria, which under the 1890 basis is sending us each year 785 immigrants. Under the national-origins basis, and according to the latest estimates submitted by the experts, they would be permitted to send 1,413.

In the case of Belgium, under the 1890 basis they are sending us 512 immigrants a year. Under the national-origins basis they would send us 1,304.

Denmark is sending us now 2,789 immigrants. Under the national-origins plan they would be permitted to send us only 1,181.

Finland is now sending us 471; under the national-origins plan they would send us 569. France is now sending us under the 1890 basis 3,954, and under the national-origins basis they would be cut to 3,086. Germany sends us now 51,227 and would be cut to 25,957, and this cut without a material reduction in the total number of immigrants who would be permitted under the plan. Great Britain and North Ireland are sending us at the present time a total number of immigrants each year of 34,007. Under the national-origins basis they would send us 65,721. Would anyone say this was not a material change over the old quota basis?

Greece is sending us at the present time 100 immigrants a year. Under the national-origins plan that would be increased by 300 per cent or more to 307. Hungary is sending now 473. Under national origins they would be privileged to send 869. The Irish Free State is sending us now 28,567. Under the national-origins plan the Irish Free State would send us 17,853.

Mr. REED. Mr. President, will the Senator permit an interruption?

Mr. NYE. Certainly.

Mr. REED. I think the Senator misspoke himself when he said the Irish Free State is sending us 28,567. That is merely the present quota.

Mr. NYE. That is what they are entitled to under the present quota, and that would also be true in the case of Great Britain.

Mr. REED. And Germany.

Mr. NYE. If I misspoke myself and said that Great Britain is now sending us 34,000, I should have said they were entitled to send 34,000.

Mr. REED. And the same is true of Germany.

Mr. NYE. Not nearly to the degree that it is of the others.

Mr. REED. I have the figures.

Mr. NYE. Italy is entitled to send us under the present basis 3,845, and under the national-origins basis would increase that number to 5,802. The Netherlands send us 1,648 now, and would be entitled to send 3,153. Norway, now privileged to send 6,453, under the national-origins basis would be entitled to only 2,377. I think these are indeed material changes over the basis which is now in effect.

Poland is privileged to send now 5,982; under the national-origins plan they could send 6,524. Russia can send now 2,248 annually; under the national origins they can increase that number to 2,784. Sweden is now permitted to send us 9,561; under the national origins her quota would be cut to 3,314. Switzerland is now permitted to send 2,081; under the national origins they could send only 1,707. So it goes through the list showing very material, very radical changes in the quotas which will be admitted from each country under the two plans.

I submit that the figures which I have recited do constitute a most radical change, so radical a change that it is going to prove increasingly difficult to convince interested parties that the national-origins plan and basis is a fair plan, a fair basis. I submit, too, that it is so great a change that it can not be brought about without convincing the people that it is a thing not in the best interests of our country; in other words, that we make under national origins a very great change without improving the nature of our immigration, if I may put it that way.

Commissioner Hull, in charge of immigration activities of the United States, has said at one time that he dreaded the thought of the new basis going into effect, the theory being that here for a matter of five years we have been operating under the 1890 basis, which has come to be quite generally accepted in all parts of the world and is not causing any great consternation or embarrassment on the part of our country or any other country. It is quite satisfactory; it is quite acceptable. Then, why should we resort to the adoption of another plan that we would have to explain at great length to convince the people, if it was at all possible to convince them, that there was fairness and reasonableness in the national-origins basis of quotas?

Any basis of immigration quotas to instill confidence and invite confidence, to be any success at all, must first be accepted as fair, must be accepted as being reasonably accurate, must be accepted as being practicable, and must above all things else be understandable to people who are giving any thought at all to immigration questions.

Perhaps it can be shown to the satisfaction of the Senate that the national-origins basis is fair, is reasonably accurate, is understandable, and is practicable, but I frankly confess that my mind has not yet been able to grasp the fairness and accuracy and understanding of the thing which some Members of this body seem to profess.

The national-origins basis, according to my mind, is inaccurate, is unfair, is not practicable, and is not understandable. That being the case, it is not inviting the confidence that any basis of immigration quotas ought to have to be accepted and to be a success. Why should we upset the present status and basis of immigration quotas which is so generally accepted when, to substitute in place of that, we must accept something which is provoking this endless debate and great discontent? The Assistant Secretary of Labor, Mr. White, testified before the committee that the quotas allotted at the present time, namely, on the 1890 basis, are quite generally accepted and agreeable, and that being the case, as long as there is serious controversy with relation to the merits of the national-origins plan, certainly I think there ought to be a unanimous agreement on the part of the Senate at least to further postpone the taking effect of the national-origins clause. It appears that after these three or four years of movement looking to a postponement we ought at last to have come to the point when we could intelligently say whether or not we are going to accept the national-origins basis.

It has been claimed that when the 1924 immigration act became a law it was thoroughly debated in Congress and that Members had a thorough understanding as to what national origins was. I do not see the chairman of the Senate Committee

on Immigration present in the Chamber at the moment, but were he here, I am satisfied that he would gladly lend his testimony as to the extent of the consideration that was given by the Senate to the national-origins question.

Frankly, there is an endless number of Senators in the Chamber now who were here in 1924, who heard then nothing about the matter of national origins and knew nothing about it. There was brought into the Senate at that time the bill providing for a temporary and for a permanent basis. They knew the so-called permanent basis was not to become effective for a matter of two or three years. They did not waste any time or thought concerning just what national origins was. They knew quotas were going to be fixed under the 1890 basis, and the result on that basis was quite acceptable and quite agreeable to the great majority of the Members of this body at that time. But they gave no thought and no heed to what national origins really meant. The Senator from Pennsylvania [Mr. REED] only a few days ago declared here on the floor of the Senate that at the time of the passage of the immigration act of 1924 the eminent Senator from Massachusetts, Mr. Lodge, came to him and congratulated him upon the passage of this all-important legislation, but he did not say then whether Senator Lodge had reference to the 1890 basis or the national-origins basis. It may be the Senator from Pennsylvania will explain just what Senator Lodge meant at that time, but as a general rule Senators did not in 1924 or 1925, or even in 1926, have any reasonable knowledge of what national origins was all about.

Mr. NORBECK. Mr. President, will the Senator yield?

Mr. NYE. Certainly.

Mr. NORBECK. I want to bear testimony to the statement that when the law was enacted it was looked upon as a restriction of immigration and with the hope and belief that if it should prove that it would not work out as good as expected, amendments would be made from time to time. Certainly there was no intention on the part of the Senate to say to the Scandinavian and German sections that they should be reduced to any such number as is working out under the national-origins plan.

Mr. NYE. It was never dreamed of.

Mr. NORBECK. It never could have passed the Senate at the time if it had been understood.

Mr. NYE. That is my understanding of the attitude of a great many Members of the Senate who were here in 1924 and who are still here.

I have said the national-origins basis is inaccurate, not practicable, unfair, and not understandable, and I shall now proceed to what I believe is a fair demonstration of the unfairness and of the inaccuracy of that basis.

In keeping with the statement made by the Senator from Minnesota [Mr. SHIPSTEAD] which I have just read, the 1790 records are prime factors in immigration quotas under the national-origins plan. It must be here called to the attention of the Senate that while this is the case, while the 1790 records are basic records in building national-origins quotas, many of these records were destroyed in the War of 1812 with Great Britain. The census records taken in 1790 in many of the States were then destroyed.

It must also be called to the attention of the Senate that the census of 1790 was only a matter of numbers and a matter of names, and not a matter of the origin of those people enumerated at all. Only by the names and only through the names could they trace the origin of those people. It should also be noted that in the 1790 census it is not reasonable to expect that there could be as accurate counting of numbers and enumerating of names as there can be in this great advanced day. Yet we find in the record before the Committee on Immigration witnesses from various departments, more particularly the Census Bureau, indicating that so far as they knew the record of 1790, the census of 1790, was as accurate as the last census taken by the United States. Those were statements that surprised immensely the members of the committee who heard them made at the time.

The figures were taken at a time when the population was scattered, when it was not easily reached over good roads and through such transportation facilities as are now available. It could not to my mind have been as accurate a census as the more recent censuses have been. It is known, too, that the census rolls which are available as having been recorded in 1790 do not contain the names of hundreds of people who are known to have been in the United States during that period. In the course of the Revolutionary War when people rallied to the cause of Washington and the cause of the Revolution, the names of men who were once in the Continental Army are contained upon the rolls of the Army, but the census of 1790, 15 years later, does not disclose the presence of all of those names appearing upon the rolls of the Army of Washington back in 1776, indicating more clearly to my mind that there was not accuracy in the recording of the census of 1790. In any event, and after all is said and done, what do names mean anyway? In a previous hearing conducted by the Committee on Immigration of the Senate on March 15, 1928, Dr. Joseph A. Hill, Assistant to the Director of the Census, declared in answer to a question:

> Senator KEYES. You have made a report which is embodied in Document No. 65, I believe?
>
> Doctor HILL. Yes, sir.
>
> Senator KEYES. Will you go over that briefly?
>
> Doctor HILL. We had to consider the problem, of course, in relation to the available data that were in existence and could be utilized in arriving at a determination of the national origins or the proportion of the total population which is derived from each country which is concerned.
>
> Now, we had the following classes of data: We had the century of population growth, in which is a classification of the population in 1790 on the basis of the names of heads of families. That classification was prepared some years ago before there was any thought of its being utilized in connection with this matter of regulating immigration on the national-origins basis. That was one class of data.

Mr. President, it is not denied that there has been resort to the use of names to determine what the origin of families in the United States might at this time be, and some strange things have occurred in connection with the use of names. I have referred to the many names which appear upon the rolls of Washington's Continental Army, but which do not appear upon the census rolls of 1790. I wish now to call attention to a most interesting disclosure contained in volume 1 of the Rise of American Civilization, by Beard. On page 85, I find this very interesting paragraph, showing how meaningless names may be and how meaningless names are here in America in so far as their relation to the origin of the family bearing a particular name is concerned. Mr. Beard says, in this volume:

> Meanwhile intercolonial migrations were breaking down the barriers of purely local circumstance. Puritans, scarcely established in Connecticut, pulled up their roots, moved into Long Island, and then made their way into New Jersey. Quakers from Plymouth, pained by conflicts with their neighbors, passed into Virginia and, meeting little friendliness there, eventually found a home in the western wilderness of North Carolina. A French Huguenot, Faneuil, tried his fortune in New York, transferred his business to Rhode Island, sent his son, Peter, to Boston. In the veins of many colonists of the second generation ran the blood of two or three nations, and an English name might well cover a Dutchman, a Swede, or a Scotch covenanter. For instance, Dirck Stoffels Langesstraet sailed from the Netherlands to the New World in 1657; a descendant married a Quakeress in New Jersey; the good old Dutch name became Longstreet; restless offspring took ship for Georgia; finally James Longstreet, trained at West Point, on the river once claimed by Holland, served the Southern Confederacy from Manassas to Appomattox.

So it is indicated how unreliable is a resort to names here in America, because they so often mean so little, as is shown here in the case of the Longstreet family.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Montana?

Mr. NYE. I gladly yield.

Mr. WALSH of Montana. In estimating the present population on a national-origins basis, can the Senator from North Dakota tell us what nationality would be assigned to the ancestor of a man by the name of Smith whose name appears on the census rolls of 1790?

Mr. NYE. The Senator from Montana will have to get the experts who have been at work on this matter to determine that question. I would not endeavor to do it.

Mr. WALSH of Montana. Can the Senator from Pennsylvania tell us?

Mr. REED. Mr. President, will the Senator from North Dakota permit me to interrupt him?

Mr. NYE. Yes.

Mr. REED. It has been explained by the chairman of the board of experts that that would depend entirely upon the locality in which the name was found. If it were found in certain parts of eastern Pennsylvania, for example, it would be assumed that the name was originally Schmidt, and so the ancestor would be of German origin. In other parts of the country where there had been no German immigration whatever, it would probably be assumed that the name was British in origin.

Mr. WALSH of Montana. If the man bearing the name resided in the city of Boston or New York, what origin would be assigned to him?

Mr. REED. I do not care to go into details, but that has been studied.

Mr. WALSH of Montana. I suppose it is generally understood that the Democratic candidate for President of the United States at the late election, one Alfred E. Smith, is of Irish origin.

Mr. NORRIS. If he had lived in western Pennsylvania, he would have been a Dutchman.

Mr. WALSH of Montana. In that case he would have been a Dutchman.

Mr. REED. It is quite possible.

Mr. WALSH of Montana. I am also reminded that Hamilton is a very famous English name; many eminent Englishmen have borne that name; and yet I am in the enjoyment of a very intimate acquaintance with a great many Irish people of that name.

Mr. REED. I am sure that is so.

Mr. WALSH of Montana. How can we possibly determine from these circumstances to what particular European country a man bearing either of those names belongs when the name is found in the census of 1790?

Mr. REED. I doubt whether we could, if that stood alone; but, Mr. President, the determination has been made on a very much more thorough study than that. The board of experts in the five years that they have been working on the subject have studied the matter of the Anglicization of names. They have gone to the records abroad, which in some countries are very complete, in showing the migration from those countries to particular parts of North America; they have studied all the county histories and the names used in them.

Mr. WALSH of Montana. I was reading a very interesting article the other day setting forth how migratory the American is. Obviously, the man who with his family migrated from some country in Europe and came over to this country evinced at least somewhat pronounced features of that characteristic. So we might easily assume, too, that he had migrated from one section of the country to another; indeed we are all familiar with the fact that many of the people who come to this country locate in one section, remain there a very short while, and move on to another.

Mr. REED. That was not so much the case before the First Census.

May I illustrate another way in which the experts have viewed this question, with the permission of the Senator from North Dakota?

Mr. WALSH of Montana. Let me remark that I have just been reading about a family that came to Pennsylvania and very speedily migrated to Virginia away back in colonial times.

Mr. REED. They would not do that to-day, perhaps.

Mr. WALSH of Montana. No; I suppose not.

Mr. REED. As an illustration of the study of names, let me say that Doctor Hill gave the case of a man named Cole whom, he said, he and most of us would immediately assume to be of British origin. He said they did not stop with that; that they went on to study the names of emigrants who departed from foreign countries, and they found a considerable strain of a family named Kool as coming from the Netherlands to New York. By studying that circumstance and the Englishmen of that name they satisfied themselves very accurately as to the percentage of people of that name who ought to be ascribed to the Netherlands. I do not think it is fair to say that they stopped with a superficial showing of names on the 1790 census.

Mr. WALSH of Montana. The German name Kohl is a very common one——

Mr. REED. Doctor Hill traced that also.

Mr. WALSH of Montana. Which, after a generation or two, might easily become Cole.

Mr. REED. Very easily; but that is all taken into account.

Mr. WALSH of Montana. But how is it taken into account? Upon what basis can a student to-day finding a man by the name of Cole determine whether his ancestor here in 1790 was Cole or Kohl?

Mr. REED. It is quite impossible, but it is not impossible to tell whether the individual named Cole in 1790 was of Dutch or German or British ancestry, because of the use of the county histories and the statistics of emigration which have been found in the archives of foreign countries and have been studied. Those sources of information elucidate the problem to a very great degree of certainty. But I do not mean to trespass further upon the time of the Senator from North Dakota.

Mr. WALSH of Montana. They may elucidate it to a great degree of certainty in the minds of some people, but it seems to me to be a perfectly impossible problem.

Mr. NYE. Mr. President, that is the way it appeals to me, and yet it must be realized by anyone who has given any thought to the subject at all that the matter of names has been largely resorted to in determining the quotas under the national-origins basis. But, comparable to that strange method which is taken to build up what we want to call a fair and accurate basis of immigration quotas, is the fact that there has also been taken into consideration in the building up of quotas the record of arrivals of immigrants in our colonial days, and those arrivals are not recorded in such a way as to indicate that so many of them who came in a certain ship were from Norway and so many from Great Britain and so many from Germany, but, instead, when a ship came to America bearing immigrants to this country, if it bore, we will say, 500 immigrants and they came in a ship flying the British colors, the records disclose those 500 immigrants to have had their origin in Great Britain.

On the other hand, if the ship was flying the German flag, it did not matter what was the nationality of the immigrants on that ship when it landed so far as the records were concerned, for they were all recorded as having been from Germany. While that practice was followed as well in the case of one country as of another, it must also be borne in mind that the great preponderance of shipping was under the British flag, and it must be borne in mind also that there were very few by comparison of the whole number who came into this country in those days under a flag other than the British flag.

Mr. President, if we are going back to the colonial period to determine the national origins of those who were here when we were in the making as a nation, it is for us to determine precisely where the people who were here in colonial days came from. That seems as plain as plain can be. But where did they come from? The general impression is that they came from Great Britain, and the quotas which have been worked out under the national-origins basis would indicate that very nearly half of them came from Great Britain.

To a certain extent it is true that they came from Great Britain; but it is not true that Great Britain was the place of their origin. In the cases of many of them they were not even born in Britain. In the cases of most of them they came from territories in Britain which had been builded up and which were populated by a people who had come there in more recent times from other nations of northern Europe.

A most interesting story to me regarding the make-up of our colonial population is contained in that very interesting old volume The Winning of the West, by President Roosevelt, in which he says this:

> Moreover, it is always well to remember that at the day when we began our career as a nation we already differed from our kinsmen of Britain in blood as well as in name; the word "American" already had more than a merely geographical signification. Americans belong to the English race only in the sense in which Englishmen belong to the German.

That was by President Roosevelt, Mr. President—a most significant statement, it seems to me; but, perhaps, not more so than are those found in this volume, The Passing of the Great Race, by Madison Grant, an acknowledged student of immigration problems, of our colonial history, and of our general make-up as a nation of people.

At page 83 of this very interesting volume I find this paragraph, which I read as indicating where our colonial stock came from:

> At the time of the Revolutionary War the settlers in the thirteen Colonies were overwhelmingly Nordic, a very large majority being Anglo-Saxon in the most limited meaning of that term. The New England settlers in particular came from those counties of England where the blood was almost purely Saxon, Anglian, Norse, and Dane. * * *
>
> New England during colonial times and long afterwards was far more Nordic than old England.

Then I find again, Mr. President, at page 88 of the same volume, this interesting paragraph:

> The native American by the middle of the nineteenth century was rapidly acquiring distinct characteristics. Derived from the Saxon and Danish parts of the British Isles and being almost purely Nordic he was by reason of a differential selection due to a new environment beginning to show physical peculiarities of his own.

And then I turn to an all-interesting paragraph by the same author at page 211 of that volume. Before I read that paragraph, however, I want to point out that it is one of the high signs of the advocates of national origins that we are going to adopt this national-origins basis of immigration quotas because it brings us so fine an element. The very best that humanity

has builded is going to be represented in the bulk and in the main in this national-origins plan, according to these advocates.

Mr. President, I say that under the plan nothing of the kind is being accomplished, because many countries which sent us immigrants in the Colonial days sent them here and they were attributed as having come to us from Great Britain. I say that Great Britain has not contributed the best of our population. I say that Great Britain is not entitled to that very great preponderance of advantage which is given to her under the national-origins plan, and I say it because Madison Grant has *this to offer* in his volume:

> Denmark, Norway, and Sweden are purely Nordic and yearly contribute swarms of a splendid type of immigrants to America and are now, as they have been for thousands of years, the chief nursery and broodland of the master race.

Mr. President, it has been demonstrated that a large part of these people from Denmark, Norway, and Sweden came into Britain, settled there in Britain, and then came on to America; and under national origins we are saying that the coming of those people, because they came directly from Great Britain, entitles Great Britain to this greater preponderance of immigrants under the national-origins clause.

With these facts in mind, Mr. President—the resort to names, the resort to the manifests of ships which carried immigrants to us in the earlier days, and the resort to that general belief that Britain was the early contributor to our population here in America—is it any wonder that people whose hearts in some degree trace back to those older countries, back to the Scandinavian countries, back to Germany, back to any of those countries, feel just a little bit hurt to think that under this national-origins plan they and their hind are going to be discriminated against, as they see it? Is it any wonder that they lack the confidence, the faith, and the belief in the accuracy and in the fairness of the national-origins basis which is professed by some advocates of the national-origins plan? It is not at all surprising to me because, as I have said, any basis of immigration quotas to be appreciated and to enjoy the confidence of the people must be understandable, must be fair, must be reasonable, and must in a reasonable degree be accurate.

Mr. President, the national-origins process—which I am sure Senators are going to have a chance in the next few days to better understand—is so thoroughly complicated as to make it difficult even for the experts who have worked out the quotas under this theory to explain clearly just what it is all about. In fact, at page 22 of the hearings it will be found that Doctor Hill declared what I am about to read. He was asked by the chairman:

> Will you explain now in some detail what that is and what the differential was?

This had relation to what is known as the "differential of fecundity." The chairman of the committee immediately wondered what this "differential of fecundity" was all about, and he asked the expert, Doctor Hill; and Doctor Hill replied:

> We did not determine the differential, but we used figures that disposed of it. The process was such a complicated one, involving the use of age statistics, that I really could not explain it briefly.

And it was not explained, briefly or at length, at any time.

Mr. President, of course, it is complicated; and, being complicated, it is not easy to understand. I have given myself and my thought fairly to this matter, and I should like to understand it. Perhaps we may be convinced of just what it is; perhaps our minds may be cleared up during this debate, and we may be satisfied that national origins is quite the thing to accept as a basis for immigration quotas; but at this stage I think it will be a most unfortunate thing if this country of ours adopts this new plan at a time and at a stage when people are so uncertain, so discontented, and so thoroughly of the belief that national origins is a thing resorted to to the end that a few people may be discriminated against for reasons which I shall not here debate or even mention. Yet, in spite of this complication, if we permit the national-origins clause to become effective, we are going to ask, we are going to expect, and we are going to want people to understand and to have faith in the national-origins plan.

Mr. President, so convinced have a majority of the Members of Congress been in more recent years that the national-origins plan was complicated, uncertain, inaccurate, and unfair that Congress has twice postponed the taking effect of the national-origins clause. So inaccurate is it generally believed to be that the experts have had difficulty in explaining to the committees from time to time just why they were arriving at such different conclusions with every set of figures they submitted as to the number who would be admitted from each country under the national-origins plan. I have previously quoted Commissioner Hull, Commissioner General of Immigration, and shown how dissatisfied and how lacking in confidence he is of the merit of the accomplishment that would be won under the national-origins clause. Mr. Hubbard, an assistant in the Immigration Service, has been equally emphatic in his opposition to it, stating in a recent address up in New York that a large basis for immigration quotas under the national-origins plan was that through the tracing of names, which we have debated here at some length this afternoon. And then, too, Mr. President, while all this is true, while we are in this uncertain mind, and for such good reasons as I have here recited, there are Americans to-day who point out and who repeat and repeat and repeat again that the only people who are opposed to the national-origins basis of immigration quotas are "hyphenated Americans."

Mr. President, there are thousands upon thousands of Americans who never have been charged with having any sympathies or with entertaining any hyphen with relation to their Americanism who are to-day as firmly convinced that national origins is a mistake as any German-American or Norwegian-American or British-American might be. No; there is quite general belief in opposition to the national-origins theory, and it is not dictated by a prejudice toward one country or against another country. Certainly those who charge that it is "hyphenated Americans" who are encouraging the repeal of national origins are not going to accuse the President of the United States of being a "hyphenated American"; and yet there is an undertow of agitation to the effect that the President never would have opposed national origins and would not have spoken for its repeal had he not been a candidate for the Presidency of the United States.

Mr. President, it seems to me that that is far-fetched. He had two associates on this commission which Congress appointed to determine the quotas that would prevail under national origins. He had upon that commission with him Secretary of Labor Davis and Secretary of State Kellogg. Neither one of them was a candidate for the Presidency, and yet they are equally emphatic in their opposition to the national-origins clause, and always have been. I think, Mr. President, it is most unfair that there should be resort to an influencing of the kind that has been undertaken and which endeavors to show that all people who are against the national-origins plan are prejudiced by leanings toward one nationality or toward another nationality.

Mr. President, I believe that the President of the United States when he declared his opposition to the national-origins clause in the campaign of last year knew what he was talking about; that he was uncertain in his mind as to the accuracy and as to the fairness of the national-origins basis which he had seen worked out by the experts who were serving under him and the other two commissioners. This is what the President said in his acceptance speech of last fall:

> We also have enacted restrictions upon immigration for the protection of labor from the inflow of workers faster than we can absorb them without breaking down our wage levels. * * *
>
> No man will say that any immigration * * * law is perfect. We welcome our new immigrant citizens and their great contribution to our Nation; we seek only to protect them equally with those already here. We shall amend the immigration laws to relieve unnecessary hardships upon families. As a member of the commission whose duty it is to determine the quota basis under the national origins law I have found it is impossible to do so accurately and without hardship. The basis now in effect carries out the essential principle of the law, and I favor repeal of that part of the act calling for a new basis of quotas.

Mr. President, late in 1926, three years before the late campaign, President Hoover wrote this language in a letter:

> In our opinion the statistical and historical information available raises grave doubts as to the whole value of these computations as a basis for the purposes intended. We therefore can not assume responsibility for such conclusions under these circumstances.
>
> I think it will be seen that the unsoundness of the statistical foundations is fully emphasized in this letter.

Mr. President, let us be done with the argument that it is alone those who have sympathies for one nation or another nation who are moved to opposition of the national-origins plan. That is not the case at all. I am ready to admit that there are people whose purpose to-day is driven by such a motive, such a selfish purpose, but that is not true of the entire number or more than a small part of those who are opposing national origins to-day.

There are others who have made their opposition to the national-origins scheme equally plain alongside of that opposition expressed by President Hoover. I hold in my hand a copy

of the Junior Advocate, over the name of its national councilor, expressing at the end of a year its accomplishments for the year, and we find they declare:

We supported the resolutions to repeal or postpone the national-origins clause from taking effect July 19, 1929.

Opposed it, of course, for reasons which they have clearly set forth.

Assistant Secretary of State Carr, as appears at the bottom of page 2 of the hearings conducted by the committee, said that he believed that the Secretaries—meaning Secretaries Hoover, Kellogg, and Davis—were unconvinced that the national-origins formula was workable. He said, too, that the department—that is, the Department of State—had not passed upon the sufficiency of information used as the basis, and he declined to pass upon the sufficiency of the figures for the basis there.

Commissioner General of Immigration Hull said in the hearings, first, that the change entailed great work on the bureau and much confusion, also that a change to national origins would very definitely be something of a calamity to put it in operation. And then, too, he said that it would be a hardship upon an expectant people, meaning, of course, those people in this country who were looking forward to the arrival of loved ones from foreign lands when they could get in under the quota laws, and the expectations of people in foreign lands who were looking forward to the day when they could join the loved ones who had come to this land ahead of them.

Mr. Hull said in his annual report for 1925:

The bureau feels that the present method of ascertaining the quotas is far more satisfactory than the proposed determination by national origin, that it has the advantage of simplicity and certainty. It is of the opinion that the proposed change will lead to great confusion and result in complexities, and accordingly it recommended that the pertinent portions of section 11, providing for this revision of the quotas as they now stand, be rescinded.

Mr. President, there are others who have spoken their minds, others who can never be accused of being hyphenated Americans, who have declared their opposition to national origin.

Mr. Steuart, Director of the Census, according to the Saturday Evening Post of October 10, 1925, declared that there are no figures in existence which show the national origin of the population of the United States.

Mr. President, it is not often, indeed, it is seldom, that I find myself in agreement with and working to the same end as that being sought by the Chamber of Commerce of the United States. But the Chamber of Commerce of the United States, upon hearing the report and recommendations of its committee on immigration some weeks ago, a committee which had given several years of study to this immigration question, adopted a resolution violently opposing the national-origins theory of immigration quotas, and I want to read that resolution:

The provisions of the immigration law of 1924 which apply the quota-limit system to the countries of Europe, Asia, Africa, and Australasia, on the 1890 census basis of foreign born, have been in operation now for nearly five years. These provisions have become an accepted part of our national policy. Our industrial and sociological life, our citizens, and our foreign-born residents, as well as foreigners abroad who are contemplating coming to this country for permanent residence, have largely adjusted themselves to this policy.

During this period the so-called national-origins provision of the 1924 immigration law, which originally was intended to replace on July 1, 1927, the quota-limit system based on the 1890 census, referred to above, has not been in operation. This provision purposes to limit immigration from Old World countries to about 150,000, as compared with the 164,667 at present admissible—

That ought to be 153,000 or 154,000 instead of 150,000—

and to allow an annual quota to any nationality equal to a number which bears the same ratio to 150,000 as the number of people living here in 1920 having that nationality bears to the total number of our inhabitants. This provision has been twice postponed by Congress in the face of problems, as yet unsolved, connected with the development of a satisfactory plan for the accurate determination of the racial content of the country.

It would be a mistake, in our opinion, to disrupt the adjustments which have been made under the actual operation of the law to date, and by changing the basis of present quotas unnecessarily to stir up racial antagonisms. We, therefore, recommend the repeal of the national-origins provision of the immigration law of 1924, and urge the continuance of the quota-limit system now in operation, based upon 2 per cent of foreign-born living in 1890.

The junior Senator from Missouri [Mr. PATTERSON] showed me this afternoon a very interesting letter from a member of the immigration committee of the Chamber of Commerce of the United States, a letter which I am sure he means to offer during this debate, bringing out in very clear and concise manner splendid points which ought to be voiced against this national-origins theory of immigration quotas.

Mr. President, so much for those who have voiced their opposition to national origins. One could go along indefinitely reciting the names, and the things which the people bearing those names have had to say about the inaccuracy and the unfairness of the national-origins clause, and it would not be necessary either to resort to the use of one name that was carried by a man or a woman who could fairly be accused of entertaining hyphenated American sympathies.

It has been said that the percentage of accuracy in arriving at the basis of immigration quotas under the national-origins clause is great. But Mr. Boggs, one of the experts who has been at work on the building of national-origins quotas, when before the committee, told the committee that one-seventh of the population of Europe which was involved in immigration quotas found itself in territory which was different from the territory in which that element lived prior to the late war. It is a repeated contention that, because of the change in areas of countries following the late war, it has been exceedingly difficult to work out a fair basis of immigration quotas under the present and prevailing 1890 plan. But Mr. Boggs told us that only one-seventh of the population that was concerned in our immigration quotas at all was thus affected.

The Senator from Pennsylvania [Mr. REED] at the time this point was brought out, immediately asked, "Are you including Russia in that?" Mr. Boggs said, "Yes, sir." The Senator from Pennsylvania then said, "And Russia is an area that has not changed sovereignty?" The point being that Mr. Boggs was confining himself to the percentage of actual population, while the Senator from Pennsylvania very evidently had in mind the percentage of accuracy in so far as the area involved was concerned. There is quite a difference between the basis of the population and the basis of area.

Doctor Hill, following Mr. Boggs on the stand, told us that the way of reaching the basis of quotas under national origins was not as accurate as the present basis, as it relates to population not affected by the war; in other words, that with respect to that 14 or 15 per cent of our population which has been affected by the change of area since the war, the national-origins basis is fairer than the 1890 basis. It follows, Mr. President, that, except for that 14 per cent, the 1890 basis is fairer than the national-origins basis is.

I am not going to continue much longer to-day—just a few moments—but I want to point out that the best proof of the inaccuracy of the national-origins basis of immigration quotas is found in the record of the estimates and in the record of reports which have been submitted to Congress by this so-called board of experts from time to time. Those figures have been not much more than estimates. Indeed, I think it fair at times to call them pure and simple guesses, and I do not know how anyone who will study and compare these reports which have been made by the same board of experts can declare that they have any degree of accuracy about them at all. At least, confidence in them is not invited.

The last estimate was submitted last February. If another estimate were to be made by the same board next February, I venture to say there would be material changes.

Mr. President, just follow me briefly through a few of the estimates which have been made. The first estimate was made at the time of the enactment of the immigration act of 1924. Another was made on January 7, 1927. Another was made on February 27, 1928. Another was made on February 21, 1929.

Let us take a few of the countries involved in this quota basis and see how the figures ascribed to them as being their title to immigration totals under the national-origins clause have varied under these estimates. Take Austria, for example. Under the first estimate Austria had 2,171. Then it went to 1,400. Then it went to 1,600. Then it went back to 1,400.

It was declared by the experts that under the national-origins plan Belgium would send us 251 each year. The next estimate puts the figure at 410; the next at 1,328; the next at 1,304.

At first it was declared that under national origins Czechoslovakia would have about 1,359. The experts next estimate gave them 2,248. The next estimate was 2,726. The next estimate was 2,874.

They said at first that Denmark would have 945 immigrants a year under national origins. The next estimate declared they would have 1,044; the next estimate, 1,234; the next estimate, 1,181.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. NYE. I yield.

Mr. EDGE. I am very much interested in the wide range of those estimates. Does the Senator know whether the formula

through which they arrived at the totals was the same in each case or did they change the formula on each one of those occasions?

Mr. NYE. We have had an explanation here this afternoon of how they have gotten around this matter of tracing names, and tracing the origin of families through names. They found with each estimate a new way of arriving at a conclusion. As I said, if they were given two years more or one year more or three years more to study the problem we would get a brand new estimate, each time one was submitted it would be as materially different from the last estimate as these first ones have been by comparison.

Mr. EDGE. Mr. President——

Mr. NYE. I yield to the Senator from New Jersey.

Mr. EDGE. Then, as I follow the Senator, it is the understanding that they have found that they were mistaken with each effort and have made up a new formula, if I may call it that, or they certainly would not have had a different result.

Mr. NYE. They did not admit that they were mistaken.

Mr. EDGE. The mere fact that they changed it was an obvious admission, was it not?

Mr. NYE. Yes; it was.

Mr. REED. It is correct, is it not, that in the first report of 1927, which was the first report made by the quota board, the 1924 figures that have been given were unofficial estimates made in the course of the debate in 1924?

Mr. NYE. That is agreed.

Mr. REED. The 1927 figures were submitted by the quota board tentatively and expressedly as incomplete. They said so at the time they were submitted.

Mr. NYE. Yes; I think they did.

Mr. REED. That is one of the reasons why we gave them more time to study the question.

Mr. NYE. Yes.

Mr. REED. It is a fact also that the variation between the first and last quota figures under national origins is not nearly as great as the variation between the 1890 quotas estimated when the bill was passed and those in force to-day.

Mr. NYE. I have not seen the estimate which was offered when the bill was passed.

Mr. REED. I shall give that in my own time.

Mr. NYE. Going on and showing the inaccuracy of the thing and showing how the board of experts have wabbled all over the face of the globe in arriving at what would be the number of immigrants each country would be entitled to under the national-origins basis, I turn now to France. France under the first estimate was given 1,772, the next estimate 3,837, the next estimate 3,308, and the next estimate 3,086.

Germany: The first estimate 20,000, the next estimate 23,428, the next estimate 24,908, and the next estimate 25,957. Future estimates, if we get enough of them, may eventually put Germany back on the quota basis that she enjoys under the present 1890 basis.

Great Britain, it was first declared, would have a national-origins total of 85,135 immigrants. Then the next estimate said 73,000, the next estimate said 65,000, and the next estimate said 65,721. While Germany increased under each estimate in the total she may enjoy, Great Britain decreased, and I do not wonder that the German people are urging more estimates from the board before the national-origins basis is placed in effect.

Hungary at first would send us under the national-origins plan, 1,521. The next estimate dropped to 967. The next estimate was 1,181, and the next estimate dropped to 879.

Mr. REED. Mr. President, will the Senator permit an interruption?

Mr. NYE. Gladly.

Mr. REED. I think again he misspoke himself. The estimates made in 1924 were not made by the quota board. There was not any quota board then. They were unofficial estimates submitted at the time of the debate on the immigration bill.

Mr. NYE. Who submitted them?

Mr. REED. Originally Mr. Trevor gave them. It was I who put them in the RECORD.

Mr. NYE. But each subsequent estimate was furnished by the board.

Mr. REED. In 1927, 1928, and 1929 the quota board figures were given.

Mr. NYE. It seems to me Mr. Trevor's estimates have been accepted as authoritative in their study of the matter.

Mr. REED. On the contrary, it is because they have not been accepted and because the quota board made its own study that there is this variation between the 1924 figures and the quota board's report.

Mr. JOHNSON. Did not Mr. Trevor get his figures from the experts?

Mr. REED. There was not any quota board at that time.

Mr. JOHNSON. I know that, but did not Mr. Trevor get his estimates from the experts and was he not in constant touch with them all the time?

Mr. REED. He endeavored to deduce a basis of figures from the census reports.

Mr. JOHNSON. But he was in touch with the very men here who subsequently furnished the experts figures?

Mr. REED. Not at all. There was no one here qualified to give those figures at that time.

Mr. GLENN. Mr. President, may I ask the Senater from Pennsylvania who Mr. Trevor is?

Mr. REED. He has been very active in the matter of immigration restriction. He is the head of the Immigration Restriction League, as I recall it. He is a former Army officer now living in New York; that is, he was in our Army during the World War and he has been very active in the cause of the restriction of immigration.

Mr. GLENN. As I understand it, if he is the man I have in mind, he is now sending out literature in behalf of national origins?

Mr. REED. Yes; that is right.

Mr. GLENN. I think I received a special delivery letter from him yesterday.

Mr. REED. That is no doubt correct.

Mr. FESS. I think each of us did.

Mr. NYE. Now, let me continue. The Irish Free State under the first estimate submitted—or under the Trevor estimate, was—6,330. Then came an estimate from the board of 13,000, the next estimate 17,427 and the last estimate 17,853. No wonder some folks with a little strain of Irish in them are anxious that the board of experts make further estimates before the national origins becomes effective, because with each estimate up has gone the size of the quota that would go to the Irish Free State.

Then here is the case of the Netherlands. The first estimate was 2,762, then came the estimate of 2,421, then the estimate of 3,083, and then finally the estimate of 3,153.

Norway: At first it was decided they would be entitled to 2,053, then 2,267; then another estimate of 2,403, and another estimate of 2,377.

Poland: It was first declared under the national origins that Poland would have 4,535; then came the estimate of 4,978, then the estimate of 6,090, and then the estimate of 6,524.

In the case of Portugal the first guess was 236, the next guess was 290, the next guess 457, and the final guess 440.

Rumania started in with 222, then 506, another guess of 311, and, finally, the last estimate of 295.

Russia at first they said would have 4,002 under national origins. Then came an estimate of 4,781, then an estimate of 3,540, and, finally, a guess of 2,784—wabbling all over the scale of figures.

Spain they first said would have 148, then they said 674, then they said 305, and, finally, they said 252.

Sweden, the Trevor estimate said, would have 3,072. Then along came an estimate of 3,325, then an estimate of 3,399, and, finally, an estimate of 3,314.

Yugoslavia had a first guess of 591, then 777, then 739, and, finally, 845.

Naturally we would expect great improvement as these experts went on. We would expect that as they worked out the estimates there would be little variation between the figures last submitted and those submitted preceding the last submission. But follow, if you will, what is true in the case of the last estimate and the estimate submitted just preceding that.

Austria in the preceding estimate had 1,639, and dropped, according to the last estimate, to 1,413. France in the preceding estimate had 3,308 and in the last estimate 3,086. They dropped off the 300. In Germany there was an increase between the last two estimates from 24,908 to 25,957. Great Britain dropped from 65,894 to 65,721. Hungary dropped from 1,181 to 869. The Irish Free State jumped from 17,427 to 17,853.

We find all through here a difference, as in the case of Germany, in the last two estimates of 1,000, in the case of Russia a difference of 750, in the case of Ireland a difference of 450, in the case of Poland a difference of 550, in the case of Italy a difference of 200, a 30 per cent change in the case of Lithuania, a difference of 300 in France, and so it goes. Is it any wonder, I repeat, that there are people who seriously question the accuracy and the fairness of national-origins basis as a fair basis for immigration quotas? Not at all.

There have been some exceedingly wild statements made with reference to national origins, and I expect they have been made alike upon both sides in the controversy, but I see no ground and I see no reason for people to resort to the claim that the national-origins basis of immigration, if it discriminates

against any people at all, discriminates against the people of southern and western Europe. That is false. That is not the case at all. The immigration quotas under the national-origins provision will give increased quotas to all of the countries of southern and western Europe. Southwestern Europe will enjoy an increase of 4,000 under national origins, while Great Britain is enjoying an increase in its quotas. The five nations as well in northern Europe—that section which has contributed our best in American immigration, Norway, Sweden, Denmark, Germany, Ireland—are suffering a decrease of approximately 50,000 in the number who can come to us under the national origins. No; it is not true that if this plan is discriminatory at all it is discriminatory against the people of southwestern Europe.

The contention has also been offered that the American Federation of Labor is approving and is encouraging the operation of the national-origins clause. That is not true. The American Federation of Labor has made its stand very clear upon that score. It hopes to see the national-origins clause repealed.

There has been, too, the contention offered here, and I do not like to believe that it is for an unfair purpose, but it has been offered, namely, that under national origins we are going to depopulate or cut off that source of immigration which has filled our hospitals, which is constituting the numbers of paupers whom we are entertaining in this country, who are carrying about the dread diseases in this country, and that under national origins we are going to reduce the number of people of that kind that come to us. Immediately the question is asked, How is it going to do that? We get a discourse on the mass of immigration which comes into America from Mexico, which is not affected one iota by the national-origins clause or by the 1890 basis of immigration quotas. I say it is unfair to resort to those arguments in view of the fact that they do not apply in the least degree to the kind of immigration we are getting under the present basis of quotas and under the basis that would prevail under national origins.

I have said that this is not a controversy between believers in restricted immigration and those who are not believers in restricted immigration. I have said it is my plan to offer an amendment to the bill from the further consideration of which we are trying to discharge the committee that will provide for such scaling down of quotas under the 1890 plan as will give us practically the same number or less of immigrants who can be admitted to America each year under the 1890 basis as would be admitted under the national-origins plan.

I have had made a large chart dealing with immigration figures. I did not contemplate this morning that there would be an opportunity for such a lengthy discussion this afternoon upon the subject and I therefore did not have the chart hung on the wall of the Chamber.

I want to reserve until to-morrow a chance to argue in support of the present basis of immigration, namely, the basis which determines immigration on the percentage of foreign-born population found in America in 1890. But in showing the fairness of that plan I am not going to argue, I do not now argue, and I can never argue, that the 1890 basis is altogether accurate and fair; but I will argue that it is a fairer basis upon which to build immigration quotas than is the national-origins basis, and that we have a better opportunity to afford an understandable basis of quotas building upon the 1890 census than we do upon the national-origins basis.

I shall argue that point to-morrow, as I shall also argue, Mr. President, a point that is being brought into this controversy, a point that is bound to come up in this debate, whether I bring it up or not, a point that is uppermost in many minds, namely, that the national-origins basis of immigration is going to be a direct thrust at the slacker element, about which we heard so much in the United States during the course of the late World War. I am going to demonstrate that nothing of the kind is true; I am going to demonstrate that a basis of quotas under the national-origins clause is going to bring us no fewer slackers than are coming to us under the 1890 basis of immigration quotas.

I am going also, in that connection, Mr. President, to recite a few of tthe things that one Demarest Lloyd, who, in a way, sets himself up as being the grand patriot of this generation, has said about those who stand opposed to the national-origins basis of immigration quotas. I am going to show, too, Mr. President, that if we want to base immigration quotas upon a patriotic foundation the thing for us to do is to go back and take the rolls of Washington's Continental Army, which fought the real battle of America, which made the real sacrifices for America. Taking that basis I will demonstrate, if you please, Mr. President, that the great bulk of people who would come into the United States under it would be not British.

With that explanation I have no more to say this afternoon, Mr. President, but will hope to be recognized again to-morrow.

INVESTIGATION RELATIVE TO POSSIBLE CANCER CURE

Mr. HARRIS. Mr. President, there is lying on the table a resolution (S. Res. 79) which was submitted by me on May 16 (calendar day May 29), 1929, providing for a thorough investigation of the means and methods whereby the Federal Government may aid in discovering a cure for cancer. I ask unanimous consent that the resolution may be taken from the table and considered at this time. I desire to modify it before the resolution shall be agreed to.

The PRESIDING OFFICER. Is there objection?

Mr. WATSON. Mr. President, I will ask the Senator from Georgia if the Senator from Washington [Mr. JONES] is willing that action shall be taken on the resolution at this time?

Mr. JONES. Yes; I have no objection to the resolution.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the resolution, which was read, as follows:

Resolved, That a special committee of five Senators, to be appointed by the President of the Senate, is authorized and directed to make a thorough investigation of the means and methods whereby the Federal Government may aid in discovering a successful and practical cure for cancer and to report to Congress as soon as practicable the results of such investigation, together with its recommendations for legislation and appropriations. The Public Health Service, the National Academy of Sciences, and all executive departments and independent establishments of the Government are requested to cooperate with such committee in carrying out the purposes of this resolution.

For the purposes of this resolution such committee or any duly authorized subcommittee thereof is authorized to hold hearings, to sit and act at such times and places during the sessions and recesses of the Senate until its report is submitted, to employ such experts and clerical, stenographic, and other assistants, to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony and make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per 100 words. The expenses of the committee, which shall not exceed $———, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

Mr. HARRIS. I desire to modify the resolution, in line 1, after the word "That," by striking out "a special committee of five Senators, to be appointed by the President of the Senate" and in lieu thereof inserting "the Commerce Committee or a subcommittee thereof"; and by striking out all of page 2.

The PRESIDING OFFICER. The resolution will be so modified.

The resolution, as modified, was agreed to, as follows:

Resolved, That the Commerce Committee or a subcommittee thereof is authorized and directed to make a thorough investigation of the means and methods whereby the Federal Government may aid in discovering a successful and practical cure for cancer, and to report to Congress as soon as practicable the results of such investigation, together with its recommendations for legislation and appropriations. The Public Health Service, the National Academy of Sciences, and all executive departments and independent establishments of the Government are requested to cooperate with such committee in carrying out the purposes of this resolution.

DEDICATION OF AUDITORIUM AT ATLANTIC CITY—ADDRESS BY THE VICE PRESIDENT

Mr. EDGE. Mr. President, the Vice President of the United States made a very notable address in Atlantic City, N. J., last Friday evening, May 31, 1929, the occasion being the opening and dedication of the largest convention hall in the world. I ask unanimous consent that his address may be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD.

The Vice President spoke as follows:

Mr. Chairman, ladies, and gentlemen, as I look over this tremendous gathering of our people many thoughts crowd my mind. The collective will of the United States for good seems centered in you; the sense of your irresistible power can not be escaped.

We are gathered here this evening in a threefold celebration to mark with appropriate form and ceremony three important occasions. Seventy-five years ago a new municipality came into existence. To-night we are formally dedicating to the use of the Nation this new and mighty auditorium. Fifty years ago the incandescent electric lamp was presented to the world. Where and how to start is a question—the city, the auditorium, or the electric light. Each is an important

event and each worthy of complete and separate treatment. I will take them in the order stated.

There is an island in the Atlantic Ocean, off the shores of Atlantic County, in the State of New Jersey. It is 10 miles long and has a magnificent beach. There are various accounts of the appearance of the place in 1850. Some tell us it was a discouraging and depressing collection of sand dunes. Others, and I prefer to believe them, present a different picture. It was a beautiful spot, covered with dense and extensive groves of trees. The bay abounded in large quantities of shell and other fish, an enticing spot for those fond of angling and sailing. Seacoast game abounded; there were extensive gunning grounds. The beach scenery was diversified and interesting, unsurpassed, if equaled, on our coast. The country was proverbial for its pure air, fine water, and extreme healthfulness. It is an old saying that time makes many changes. There is no better illustration of it than in the growth of Atlantic City. Conceived to lighten man's spirit; to banish care; to bring joy and gladness to the people; this city has fulfilled its object beyond the wildest dreams.

In 75 years it has grown from nothing to a magnificent city known throughout the world. Vacationists from remote towns and villages read of it and are fired with the desire to see it, each for himself. As in the ancient days all roads led to Rome, so now do all roads lure the vacationist to Atlantic City. He skimps, scrapes, and saves for years sometimes that he may make the trip.

The bathing village of 1850 has changed indeed. For the occasional bather of then there are 100,000 daily now, in the season. For the occasional sportsman from the city there are now 15,000,000 pilgrims annually. For the 1 hotel there are 1,200. For the pioneer excursion of 600 from Camden there are the hundreds of thousands disgorged by many trains from many and far-distant points.

I am, and doubtless you are, duly impressed with the greatness of Atlantic City, this Mecca of pleasure seekers; this lively and stirring city which so well expresses the joyousness, light-heartedness, and gaiety of our people; this city on our threshold, facing the Old World, which, though thousands of miles of the Atlantic divide it from its European counterparts (if indeed there be a counterpart), gives back sparkle for sparkle and glitter for glitter the brilliance of the rival Meccas of pleasure facing it.

The resplendent arch of jewels on the boardwalk at States Avenue, which we have viewed to-night, fittingly symbolizes the city, fittingly marks a diamond jubilee. It is vain for me to attempt to describe Atlantic City, even if I could do justice to it. What is another celebration to a city whose whole existence always has been to celebrate; where each year there is excuse for a newer and greater fete? I have told you of the "then." You must tell yourselves and your children's children of the splendid "now."

THE AUDITORIUM

We are here to dedicate formally to the use of the Nation this huge auditorium, the city's latest and crowning achievement.

The national aspect of the building can not be overlooked. Year in and year out people from all parts of the United States, even from the four corners of the earth, by the millions, are attracted to this city. Not one visitor, I am sure, will fail to visit and inspect this building. Each day at Atlantic City there are not one, but several conventions in session; not a few, but hundreds of thousands of visitors. It is hard to conceive of a better place for a national auditorium, for a permanent exposition of the many and diverse interests of our country.

It is equally difficult to conceive a more adequate building for the purpose. We are perhaps too prone to visualize such things in superlatives and statistics. We repeat too glibly: "Atlantic City's Convention Hall is the world's largest auditorium; it cost $15,000,000; it seats 41,000 people in the main auditorium, and is capable of seating the entire permanent population of the city—66,000—and still leave room to spare. On its main exposition floor, an unobstructed area of some 2½ acres, beneath an arched ceiling 135 feet above, and facing what is now the world's largest stage, might be set the famous Madison Square Garden, and concurrently there might be staged in the remaining area a football game, a track meet, and several meetings."

We here to-night do not need the statistics to impress us. We see the reality and are a part of it. The building can not have failed to impress you as it has me. Mayor Ruffu, the people of Atlantic City, the architects, contractors, workmen—all who have had a part in producing this beautiful auditorium—are to be congratulated.

We are privileged to have the opportunity to assist at this formal opening. It is fitting that the national aspect of the building should be emphasized by the third object of our presence, the opening ceremony of Light's Golden Jubilee.

LIGHT'S GOLDEN JUBILEE—THE INCANDESCENT ELECTRIC LAMP

(A) BIRTH OF EDISON; THE EDISON PIONEERS, ETC.

On February 11, 1847, at Milan, Ohio, there occurred an event which, though not recognized as such at the time, has since proved to have been one of the greatest importance to all mankind. On that day, 82 years ago, our great inventor, Thomas Alva Edison, was born.

If, in his long life of incessant labor and toil, in his years of constant study and research in the realms of applied science, he had never produced another invention than that which was disclosed to the world on October 21, 1879, my statement still would be true. We are assembled to-night to pay honor to a genius; to one of our fellow countrymen. There is an organization known as The Edison Pioneers. It is a group of men who have labored and grown up with Mr. Edison. He and they, as well as we, were fortunate in their association. As a recognition of Mr. Edison's services, the Pioneers have planned an international celebration to be known as Light's Golden Jubilee, during the period commencing to-day and ending October 21 next—thus marking the fiftieth anniversary of the incandescent electric light.

Such a method of recognition is well deserved. It has universal approbation. Our illustrious President, Herbert Hoover, is the honorary chairman of the committee sponsoring this celebration. He has indicated his willingness to act in any capacity which will mean a genuine tribute to Mr. Edison's services. Our able Chief Executive is not only one of the foremost of administrators, but also a great engineer. He has a keen appreciation of the universal value of Mr. Edison's services; of the world-wide value of the almost incredible number of Mr. Edison's inventions, their scope, and their far-reaching effect on the lives of all.

(B) THE STORY OF LIGHT

The advance in the art of illumination since 1879, when the incandescent electric light made its appearance in the world in obedience to the inquiring mind and inventive genius of our fellow countryman, is truly remarkable. The bewildering and inspiring exhibition of lighting to-night, in this building and out on the boardwalk, is a fitting demonstration of the heights to which the art has climbed in the last 50 years. The story of light is quickly told.

The fire of Prometheus

In the beginning we had the sun, the moon, and the stars. Night fell and all was darkness. Man crawled into his cave and slept until the return of the sun, if he could sleep at all because of cold and fear of the blackness of night. Long before written history began we know he had discovered fire. Just how, we do not know. Let us accept the Greek legend that the Titan, Prometheus, a brother of the Olympian gods, had pity on man. Brands from the fire of Prometheus, carried from one place to another, soon established the torch as one of our most useful possessions and displaced the pale glimmering light of hundreds of fireflies imprisoned in a rude sort of lantern, a very unsatisfactory darkness-dispelling expedient one time used.

Oils and fats

Soon was discovered the fact that burning fats and oils furnished a good light. Since then, and until the nineteenth century of the present era, man made slight progress beyond this in the art of illumination. The material for light did not change. The means for producing it were made easier and quicker by flint and steel, and improvements in the beauty and utility of light containers were wrought, but little else was done.

Gas

The nineteenth century marks a series of great strides forward from the fire of Prometheus. Prior thereto, for some 200 years, it was known to scientists that gas could be manufactured and used for illumination, but the marvel was not generally known. About 1800, scientists in various parts of the world were working to perfect gas as a new, practical, and cheap source of illumination. It is interesting to note that in London in 1840 the reply to a proposal to light the House of Parliament by gas was: "Take it as a fixed and settled point that wax candles remain."

In this country the discovery during the first half of the nineteenth century of natural gas in several of your States gave great impetus to the movement for street lighting by gas.

Electricity

The tremendous step forward marked by the application and use of gas and oil inspired the people. They were not satisfied; they wanted lights brighter, safer, and still more convenient. The possibilities of electricity in this regard as shown by the discoveries, inventions, and improvements during the same period became more generally known. In 1876 the Philadelphia Centennial Exposition was partially illuminated by electricity. The light was a scientific curiosity; an impractical novelty, inordinately expensive, and difficult to produce and maintain. All the lights went on or off at once and were usually off. It remained for our own wizard of electricity, Thomas Alva Edison, to solve these problems; to make a magnificent threefold gift to the waiting world in the form of an incandescent electric lamp which was practical, brilliant, cheap, and capable of being turned on or off by itself; a powerful dynamo to supply the current; and a complete system of lighting from a central station.

What a contrast between to-night with its tremendous crowd of happy and approving people, gathered in this huge auditorium, which is lighted so marvelously, and the night 50 years ago come next October 21 in the famous laboratories at Menlo Park, N. J., with Mr. Edison

and his coworkers gathered around in readiness for the test of the incandescent electric light. Let me quote you Mr. Edison's own modest description of that night:

"We sat and looked and the lamp continued to burn, and the longer it burned the more fascinated we were. None of us could go to bed and there was no sleep for us for 40 hours."

(C) DISTINGUISHED VISITORS PRESENT

There are gathered with us many famous men; many all-powerful figures of the diplomatic, legislative, administrative, and judicial world; many great men whose names are a power in finance and industry; in the arts and sciences.

This representative gathering is not confined to our own people. It is an international, not merely a national gathering. That Mr. Edison's tremendous contributions to the advancement of civilization are not ignored by the rest of the world, but are indeed fully recognized and commended by it, is proved by the presence here this evening of a man who is a true and understanding friend of our country, our people, and our fellow countryman whom we are honoring to-night. This visitor is one of the most distinguished of diplomats; the dean of the diplomatic corps in Washington; by virtue of his position representing not only the voice of the people of that other great English-speaking nation but, on this occasion, the voice of all nations—Sir Esme Howard, the British ambassador.

There is present another diplomatic visitor, who also is known for his rare understanding of, and sympathy with our people and country, their aims and ideals. He, too, is a sincere admirer of Mr. Edison and his works. I refer to Don Alejandro Padilla y Bell, the Spanish ambassador.

It is a pleasure to be here with your United States Senators, Mr. EDGE and Mr. KEAN, the members of the New Jersey delegation to Congress, the governor of your great State, and prominent State officials. It is also gratifying to see so many Members of the Congress here.

After all, you and I, ladies and gentlemen, in ourselves, are so far removed from true greatness that it is only in the aggregate our presence constitutes a tribute to Mr. Edison. But those whom I have mentioned, and those others whom I have not had time to mention, by their very presence alone mark the sincerity of their regard and the regard of the world for him who is the greatest of all voluntary servants of the people.

(E) TRIBUTE TO EDISON

In conclusion, let me say that the greatest honor we can confer on Mr. Edison is to recognize him not after death but now, during his lifetime, as a patriot; as one of our greatest public-spirited citizens, one who has abundantly proved his love of country; one who has indeed zealously guarded and advanced its welfare.

It is customary to think of patriots and patriotism in terms of wartime service to the country. Peace-time service is taken as a matter of course, and not generally thought of as such. Yet it is more truly so, for it is done without the glamor and pomp of war; without the fever which takes us out of and beyond ourselves when battle is impending and present, and spurs us to glorious sacrifice.

The record of Mr. Edison's services, both peace time and war time, undoubtedly entitles him to rank among our greatest patriots. In him we have a man whose every action speaks louder than can any words, of his love for his country and zealous guarding of its welfare and the welfare of its people—not only of our own people but of all mankind. He has devoted his entire life to experiment and research; to probing, trying, testing, retesting, and perfecting inventions of paramount and far-reaching benefit. If there is such a thing as a superpatriot he is that. In offering this appreciation of his services, I hope he will realize words fall far short of our true feelings.

I know all of our people share my sincere belief that no tribute can be too great for this man; none sufficient truly to measure his worth. It is our earnest prayer that he may be spared this life in full health and vigor for many a long year to come.

COLORADO RIVER DEVELOPMENT

Mr. VANDENBERG. From the Committee on Printing I report back favorably without amendment the resolution (S. Res. 77) submitted by the Senator from Nevada [Mr. ODDIE] May 29, 1929, providing for the printing of 1,200 additional copies of Senate Document No. 186, relating to the Colorado River development. Inasmuch as the document is now ready for the press, I ask unanimous consent for the immediate consideration of the reported resolution.

The resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That 1,200 additional copies of Senate Document No. 186, Seventieth Congress, second session, entitled "Colorado River Development," be printed for the use of the Senate document room.

EXECUTIVE SESSION

Mr. WATSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened; and (at 4 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 4, 1929, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate June 3 (legislative day of May 16), 1929

MEMBER OF THE PUBLIC UTILITIES COMMISSION OF THE DISTRICT OF COLUMBIA

Mason M. Patrick, of the District of Columbia, to be a member of the Public Utilities Commission of the District of Columbia for a term of three years from July 1, 1929. (Reappointment.)

PUBLIC HEALTH SERVICE

The following-named passed assistant surgeons to be surgeons in the Public Health Service, to take effect from date of oath:

Russell R. Tomlin. Floyd C. Turner.
Lester C. Scully. Marion R. King.

These officers have passed the examination required by law and the regulations of the service.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 3 (legislative day of May 16), 1929

ASSISTANT TO THE ATTORNEY GENERAL

John Lord O'Brian.

WITHDRAWALS

Executive nominations withdrawn from the Senate June 3 (legislative day of May 16), 1929

To be first lieutenants

Second Lieut. Edward Fearon Booth, Air Corps, from May 18, 1929.

Second Lieut. Gerald Goodwin Gibbs, Coast Artillery Corps, from May 20, 1929.

HOUSE OF REPRESENTATIVES

MONDAY, *June 3, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God, the Father of us all, with our hands in Thine, we shall be led by the right pathway. Consider and hear us; make us sincere and serious, vigilant and willing to do everything that truth requires. Lead us through the ever-green pastures of Thy grace; keep our feet from the pitfalls and the dark precipices. Seal in our hearts beautiful sentiments, direct and courageous motives. Spare us from the drowsiness of carelessness, and do not allow it to steal over us. Blessed Lord, shine on our way, and the blindness of materialism shall not betray us nor the intoxication of pleasure lure us to take the fatal step. Take us, fascinate us, and enthuse us with the spirit of sacrificial and patriotic devotion. Amen.

The Journal of the proceedings of Friday, May 31, 1929, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 92. Joint resolution to provide an appropriation for payment to the widow of John J. Casey, late a Representative from the State of Pennsylvania.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S. J. Res. 34. Joint resolution authorizing the Smithsonian Institution to convey suitable acknowledgment to John Gellatly for his offer to the Nation of his art collection, and to include in its estimates of appropriations such sums as may be needful for the preservation and maintenance of the collection.

NORTHERN PACIFIC LAND GRANTS

Mr. COLTON. Mr. Speaker, by direction of the committee to investigate the Northern Pacific land grants I ask unanimous consent to take from the Speaker's table the bill S. 669 for immediate consideration.